

Bill No. HB 349, 2nd Eng.

Amendment No.

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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11	Senators Silver, Campbell, Horne, Lee and Dawson-White moved		
12	the following substitute for amendment (621484):		
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14	Senate Amendment (with title amendment)		
15	Delete everything after the enacting clause		
16			
17	and insert:		
18	Section 1. Section 790.22, Florida Statutes, 1998		
19	Supplement, is amended to read:		
20	790.22 Use of BB guns, air or gas-operated guns, or		
21	electric weapons or devices by minor under 16; limitation;		
22	possession of firearms by minor under 18 prohibited;		
23	penalties.--		
24	(1) The use for any purpose whatsoever of BB guns, air		
25	or gas-operated guns, or electric weapons or devices, by any		
26	minor under the age of 16 years is prohibited unless such use		
27	is under the supervision and in the presence of an adult who		
28	is acting with the consent of the minor's parent.		
29	(2) Any adult responsible for the welfare of any child		
30	under the age of 16 years who knowingly permits such child to		
31	use or have in his or her possession any BB gun, air or		

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 gas-operated gun, electric weapon or device, or firearm in
2 violation of the provisions of subsection (1) of this section
3 commits a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 (3) A minor under 18 years of age may not possess a
6 firearm, other than an unloaded firearm at his or her home,
7 unless:

8 (a) The minor is engaged in a lawful hunting activity
9 and is:

- 10 1. At least 16 years of age; or
- 11 2. Under 16 years of age and supervised by an adult.

12 (b) The minor is engaged in a lawful marksmanship
13 competition or practice or other lawful recreational shooting
14 activity and is:

- 15 1. At least 16 years of age; or
- 16 2. Under 16 years of age and supervised by an adult
17 who is acting with the consent of the minor's parent or
18 guardian.

19 (c) The firearm is unloaded and is being transported
20 by the minor directly to or from an event authorized in
21 paragraph (a) or paragraph (b).

22 (4)(a) Any parent or guardian of a minor, or other
23 adult responsible for the welfare of a minor, who knowingly
24 and willfully permits the minor to possess a firearm in
25 violation of subsection (3) commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 s. 775.084.

28 (b) Any natural parent or adoptive parent, whether
29 custodial or noncustodial, or any legal guardian or legal
30 custodian of a minor, if that minor possesses a firearm in
31 violation of subsection (3) may, if the court finds it

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 appropriate, be required to participate in classes on
2 parenting education which are approved by the Department of
3 Juvenile Justice, upon the first conviction of the minor. Upon
4 any subsequent conviction of the minor, the court may, if the
5 court finds it appropriate, require the parent to attend
6 further parent education classes or render community service
7 hours together with the child.

8 (c) No later than July 1, 1994, the district juvenile
9 justice boards or county juvenile justice councils or the
10 Department of Juvenile Justice shall establish appropriate
11 community service programs to be available to the alternative
12 sanctions coordinators of the circuit courts in implementing
13 this subsection. The boards or councils or department shall
14 propose the implementation of a community service program in
15 each circuit, and may submit a circuit plan, to be implemented
16 upon approval of the circuit alternative sanctions
17 coordinator.

18 (d) For the purposes of this section, community
19 service may be provided on public property as well as on
20 private property with the expressed permission of the property
21 owner. Any community service provided on private property is
22 limited to such things as removal of graffiti and restoration
23 of vandalized property.

24 (5)(a) A minor who violates subsection (3) commits a
25 misdemeanor of the first degree; for a first offense, may
26 serve a period of detention of up to 3 days in a secure
27 detention facility; and, in addition to any other penalty
28 provided by law, shall be required to perform 100 hours of
29 community service; and:

30 1. If the minor is eligible by reason of age for a
31 driver license or driving privilege, the court shall direct

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the Department of Highway Safety and Motor Vehicles to revoke
2 or to withhold issuance of the minor's driver license or
3 driving privilege for up to 1 year.

4 2. If the minor's driver license or driving privilege
5 is under suspension or revocation for any reason, the court
6 shall direct the Department of Highway Safety and Motor
7 Vehicles to extend the period of suspension or revocation by
8 an additional period of up to 1 year.

9 3. If the minor is ineligible by reason of age for a
10 driver license or driving privilege, the court shall direct
11 the Department of Highway Safety and Motor Vehicles to
12 withhold issuance of the minor's driver license or driving
13 privilege for up to 1 year after the date on which the minor
14 would otherwise have become eligible.

15 (b) For a second or subsequent offense, ~~the~~ a minor
16 who violates subsection (3) commits a felony of the third
17 degree and shall serve a period of detention of up to 15 days
18 in a secure detention facility and shall be required to
19 perform not less than 100 nor more than 250 hours of community
20 service, and:

21 1. If the minor is eligible by reason of age for a
22 driver license or driving privilege, the court shall direct
23 the Department of Highway Safety and Motor Vehicles to revoke
24 or to withhold issuance of the minor's driver license or
25 driving privilege for up to 2 years.

26 2. If the minor's driver license or driving privilege
27 is under suspension or revocation for any reason, the court
28 shall direct the Department of Highway Safety and Motor
29 Vehicles to extend the period of suspension or revocation by
30 an additional period of up to 2 years.

31 3. If the minor is ineligible by reason of age for a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 driver license or driving privilege, the court shall direct
2 the Department of Highway Safety and Motor Vehicles to
3 withhold issuance of the minor's driver license or driving
4 privilege for up to 2 years after the date on which the minor
5 would otherwise have become eligible.

6
7 For the purposes of this subsection, community service shall
8 be performed, if possible, in a manner involving a hospital
9 emergency room or other medical environment that deals on a
10 regular basis with trauma patients and gunshot wounds.

11 (6) Any firearm that is possessed or used by a minor
12 in violation of this section shall be promptly seized by a law
13 enforcement officer and disposed of in accordance with s.
14 790.08(1)-(6).

15 (7) The provisions of this section are supplemental to
16 all other provisions of law relating to the possession, use,
17 or exhibition of a firearm.

18 (8) Notwithstanding s. 985.213 or s. 985.215(1), if a
19 minor under 18 years of age is charged with an offense that
20 involves the use or possession of a firearm, as defined in s.
21 790.001, including other than a violation of subsection (3),
22 or is charged for any offense during the commission of which
23 the minor possessed a firearm, the minor shall be detained in
24 secure detention, unless the state attorney authorizes the
25 release of the minor, and shall be given a hearing within 24
26 hours after being taken into custody. At the hearing, the
27 court may order that the minor continue to be held in secure
28 detention in accordance with the applicable time periods
29 specified in s. 985.215(5), if the court finds that the minor
30 meets the criteria specified in s. 985.215(2), or if the court
31 finds by clear and convincing evidence that the minor is a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 clear and present danger to himself or herself or the
2 community. The Department of Juvenile Justice shall prepare a
3 form for all minors charged under this subsection that states
4 the period of detention and the relevant demographic
5 information, including, but not limited to, the sex, age, and
6 race of the minor; whether or not the minor was represented by
7 private counsel or a public defender; the current offense; and
8 the minor's complete prior record, including any pending
9 cases. The form shall be provided to the judge to be
10 considered when determining whether the minor should be
11 continued in secure detention under this subsection. An order
12 placing a minor in secure detention because the minor is a
13 clear and present danger to himself or herself or the
14 community must be in writing, must specify the need for
15 detention and the benefits derived by the minor or the
16 community by placing the minor in secure detention, and must
17 include a copy of the form provided by the department. The
18 Department of Juvenile Justice must send the form, including a
19 copy of any order, without client-identifying information, to
20 the Office of Economic and Demographic Research.

21 (9) Notwithstanding s. 985.214, if the minor is found
22 to have committed an offense that involves the use or
23 possession of a firearm, as defined in s. 790.001, other than
24 a violation of subsection (3), or an offense during the
25 commission of which the minor possessed a firearm, and the
26 minor is not committed to a residential commitment program of
27 the Department of Juvenile Justice, in addition to any other
28 punishment provided by law, the court shall order:

29 (a) For a first offense, that the minor shall serve a
30 minimum mandatory period of detention of 15 5 days in a secure
31 detention facility; and

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 1. Perform 100 hours of community service; and may-

2 2. Be placed on community control or in a

3 nonresidential commitment program.

4 (b) For a second or subsequent offense, that the minor
5 shall serve a mandatory period of detention of at least 21 ~~10~~
6 days in a secure detention facility; and

7 1. Perform not less than 100 nor more than 250 hours
8 of community service; and may-

9 2. Be placed on community control or in a
10 nonresidential commitment program.

11

12 The minor shall not receive credit for time served before
13 adjudication. For the purposes of this subsection, community
14 service shall be performed, if possible, in a manner involving
15 a hospital emergency room or other medical environment that
16 deals on a regular basis with trauma patients and gunshot
17 wounds.

18 (10) If a minor is found to have committed an offense
19 under subsection (9), the court shall impose the following
20 penalties in addition to any penalty imposed under paragraph
21 (9)(a) or paragraph (9)(b):

22 (a) For a first offense:

23 1. If the minor is eligible by reason of age for a
24 driver license or driving privilege, the court shall direct
25 the Department of Highway Safety and Motor Vehicles to revoke
26 or to withhold issuance of the minor's driver license or
27 driving privilege for up to 1 year.

28 2. If the minor's driver license or driving privilege
29 is under suspension or revocation for any reason, the court
30 shall direct the Department of Highway Safety and Motor
31 Vehicles to extend the period of suspension or revocation by

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 an additional period for up to 1 year.

2 3. If the minor is ineligible by reason of age for a
3 driver license or driving privilege, the court shall direct
4 the Department of Highway Safety and Motor Vehicles to
5 withhold issuance of the minor's driver license or driving
6 privilege for up to 1 year after the date on which the minor
7 would otherwise have become eligible.

8 (b) For a second or subsequent offense:

9 1. If the minor is eligible by reason of age for a
10 driver license or driving privilege, the court shall direct
11 the Department of Highway Safety and Motor Vehicles to revoke
12 or to withhold issuance of the minor's driver license or
13 driving privilege for up to 2 years.

14 2. If the minor's driver license or driving privilege
15 is under suspension or revocation for any reason, the court
16 shall direct the Department of Highway Safety and Motor
17 Vehicles to extend the period of suspension or revocation by
18 an additional period for up to 2 years.

19 3. If the minor is ineligible by reason of age for a
20 driver license or driving privilege, the court shall direct
21 the Department of Highway Safety and Motor Vehicles to
22 withhold issuance of the minor's driver license or driving
23 privilege for up to 2 years after the date on which the minor
24 would otherwise have become eligible.

25 Section 2. Paragraph (b) of subsection (3) of section
26 943.051, Florida Statutes, is amended to read:

27 943.051 Criminal justice information; collection and
28 storage; fingerprinting.--

29 (3)

30 (b) A minor who is charged with or found to have
31 committed the following offenses ~~misdemeanors~~ shall be

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 fingerprinted and the fingerprints shall be submitted to the
2 department:

- 3 1. Assault, as defined in s. 784.011.
- 4 2. Battery, as defined in s. 784.03.
- 5 3. Carrying a concealed weapon, as defined in s.
6 790.01(1).
- 7 4. Unlawful use of destructive devices or bombs, as
8 defined in s. 790.1615(1).
- 9 5. Negligent treatment of children, as defined in s.
10 827.05.
- 11 6. Assault or battery on a law enforcement officer, a
12 firefighter, or other specified officers, as defined in s.
13 784.07(2)(a) and (b).
- 14 7. Open carrying of a weapon, as defined in s.
15 790.053.
- 16 8. Exposure of sexual organs, as defined in s. 800.03.
- 17 9. Unlawful possession of a firearm, as defined in s.
18 790.22(5).
- 19 10. Petit theft, as defined in s. 812.014(3).
- 20 11. Cruelty to animals, as defined in s. 828.12(1).
- 21 12. Arson, as defined in s. 806.031(1).
- 22 13. Unlawful possession or discharge of a weapon or
23 firearm at a school-sponsored event or on school property as
24 defined in s. 790.115.

25 Section 3. Section 790.115, Florida Statutes, is
26 amended to read:

27 790.115 Possessing or discharging weapons or firearms
28 at a school-sponsored event or on school property prohibited;
29 penalties; exceptions.--

30 (1) A person who exhibits any sword, sword cane,
31 firearm, electric weapon or device, destructive device, or

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 other weapon, including a razor blade, box cutter, or knife,
2 except as authorized in support of school-sanctioned
3 activities, in the presence of one or more persons in a rude,
4 careless, angry, or threatening manner and not in lawful
5 self-defense, at a school-sponsored event or on the grounds or
6 facilities of any school, school bus, or school bus stop, or
7 within 1,000 feet of the real property that comprises a public
8 or private elementary school, middle school, or secondary
9 school, during school hours or during the time of a sanctioned
10 school activity, commits a felony of the third degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084. This subsection does not apply to the exhibition of a
13 firearm or weapon on private real property within 1,000 feet
14 of a school by the owner of such property or by a person whose
15 presence on such property has been authorized, licensed, or
16 invited by the owner.

17 (2)(a) A person shall not possess any firearm,
18 electric weapon or device, destructive device, or other
19 weapon, including a razor blade, box cutter, or knife, except
20 as authorized in support of school-sanctioned activities, at a
21 school-sponsored event or on the property of any school,
22 school bus, or school bus stop; however, a person may carry a
23 firearm:

24 1. In a case to a firearms program, class or function
25 which has been approved in advance by the principal or chief
26 administrative officer of the school as a program or class to
27 which firearms could be carried;

28 2. In a case to a vocational school having a firearms
29 training range; or

30 3. In a vehicle pursuant to s. 790.25(5); except that
31 school districts may adopt written and published policies that

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 waive the exception in this subparagraph for purposes of
2 student and campus parking privileges.

3

4 For the purposes of this section, "school" means any
5 preschool, elementary school, middle school, junior high
6 school, secondary school, vocational school, or postsecondary
7 school, whether public or nonpublic.

8 (b) A person who willfully and knowingly possesses any
9 electric weapon or device, destructive device, or other
10 weapon, including a razor blade, box cutter, or knife, except
11 as authorized in support of school-sanctioned activities, in
12 violation of this subsection commits a felony of the third
13 degree, punishable as provided in s. 775.082, s. 775.083, or
14 s. 775.084.

15 (c)1. A person who willfully and knowingly possesses
16 any firearm in violation of this subsection commits a felony
17 of the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 2. A person who stores or leaves a loaded firearm
20 within the reach or easy access of a minor who obtains the
21 firearm and commits a violation of subparagraph 1. commits a
22 misdemeanor of the second degree, punishable as provided in s.
23 775.082 or s. 775.083; except that this does not apply if the
24 firearm was stored or left in a securely locked box or
25 container or in a location which a reasonable person would
26 have believed to be secure, or was securely locked with a
27 firearm-mounted push-button combination lock or a trigger
28 lock; if the minor obtains the firearm as a result of an
29 unlawful entry by any person; or to members of the Armed
30 Forces, National Guard, or State Militia, or to police or
31 other law enforcement officers, with respect to firearm

Bill No. HB 349, 2nd Eng.

Amendment No.

1 possession by a minor which occurs during or incidental to the
2 performance of their official duties.

3 (d) A person who discharges any weapon or firearm
4 while in violation of paragraph (a), unless discharged for
5 lawful defense of himself or herself or another or for a
6 lawful purpose, commits a felony of the second degree,
7 punishable as provided in s. 775.082, s. 775.083, or s.
8 775.084.

9 (e) The penalties of this subsection shall not apply
10 to persons licensed under s. 790.06. Persons licensed under
11 s. 790.06 shall be punished as provided in s. 790.06(12),
12 except that a licenseholder who unlawfully discharges a weapon
13 or firearm on school property as prohibited by this subsection
14 commits a felony of the second degree, punishable as provided
15 in s. 775.082, s. 775.083, or s. 775.084.

16 (3) This section does not apply to any law enforcement
17 officer as defined in s. 943.10(1), (2), (3), (4), (6), (7),
18 (8), (9), or (14).

19 (4) Notwithstanding s. 985.213, s. 985.214, or s.
20 985.215(1), any minor under 18 years of age who is charged
21 under this section with possessing or discharging a firearm on
22 school property shall be detained in secure detention, unless
23 the state attorney authorizes the release of the minor, and
24 shall be given a probable cause hearing within 24 hours after
25 being taken into custody. At the hearing, the court may order
26 that the minor continue to be held in secure detention for a
27 period of 21 days, during which time the minor shall receive
28 medical, psychiatric, psychological, or substance abuse
29 examinations pursuant to s. 985.224 and a written report shall
30 be completed.

31 Section 4. Paragraph (b) of subsection (1) and

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 subsection (2) of section 985.215, Florida Statutes, 1998
2 Supplement, are amended to read:

3 985.215 Detention.--

4 (1) The juvenile probation officer shall receive
5 custody of a child who has been taken into custody from the
6 law enforcement agency and shall review the facts in the law
7 enforcement report or probable cause affidavit and make such
8 further inquiry as may be necessary to determine whether
9 detention care is required.

10 (b) The juvenile probation officer shall base the
11 decision whether or not to place the child into secure
12 detention care, home detention care, or nonsecure detention
13 care on an assessment of risk in accordance with the risk
14 assessment instrument and procedures developed by the
15 Department of Juvenile Justice under s. 985.213. However, a
16 child charged with possessing or discharging a firearm on
17 school property in violation of s. 790.115 shall be placed in
18 secure detention care.

19
20 Under no circumstances shall the juvenile probation officer or
21 the state attorney or law enforcement officer authorize the
22 detention of any child in a jail or other facility intended or
23 used for the detention of adults, without an order of the
24 court.

25 (2) Subject to the provisions of subsection (1), a
26 child taken into custody and placed into nonsecure or home
27 detention care or detained in secure detention care prior to a
28 detention hearing may continue to be detained by the court if:

29 (a) The child is alleged to be an escapee or an
30 absconder from a commitment program, a community control
31 program, furlough, or aftercare supervision, or is alleged to

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 have escaped while being lawfully transported to or from such
2 program or supervision.

3 (b) The child is wanted in another jurisdiction for an
4 offense which, if committed by an adult, would be a felony.

5 (c) The child is charged with a delinquent act or
6 violation of law and requests in writing through legal counsel
7 to be detained for protection from an imminent physical threat
8 to his or her personal safety.

9 (d) The child is charged with committing an offense of
10 domestic violence as defined in s. 741.28(1) and is detained
11 as provided in s. 985.213(2)(b)3.

12 (e) The child is charged with possession or
13 discharging a firearm on school property in violation of
14 790.115.

15 (f)~~(e)~~ The child is charged with a capital felony, a
16 life felony, a felony of the first degree, a felony of the
17 second degree that does not involve a violation of chapter
18 893, or a felony of the third degree that is also a crime of
19 violence, including any such offense involving the use or
20 possession of a firearm.

21 (g)~~(f)~~ The child is charged with any second degree or
22 third degree felony involving a violation of chapter 893 or
23 any third degree felony that is not also a crime of violence,
24 and the child:

25 1. Has a record of failure to appear at court hearings
26 after being properly notified in accordance with the Rules of
27 Juvenile Procedure;

28 2. Has a record of law violations prior to court
29 hearings;

30 3. Has already been detained or has been released and
31 is awaiting final disposition of the case;

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 4. Has a record of violent conduct resulting in
2 physical injury to others; or

3 5. Is found to have been in possession of a firearm.

4 ~~(h)(g)~~ The child is alleged to have violated the
5 conditions of the child's community control or aftercare
6 supervision. However, a child detained under this paragraph
7 may be held only in a consequence unit as provided in s.
8 985.231(1)(a)1.c. If a consequence unit is not available, the
9 child shall be placed on home detention with electronic
10 monitoring.

11

12 A child who meets any of these criteria and who is ordered to
13 be detained pursuant to this subsection shall be given a
14 hearing within 24 hours after being taken into custody. The
15 purpose of the detention hearing is to determine the existence
16 of probable cause that the child has committed the delinquent
17 act or violation of law with which he or she is charged and
18 the need for continued detention. Unless a child is detained
19 under paragraph (d) or paragraph (e), the court shall utilize
20 the results of the risk assessment performed by the juvenile
21 probation officer and, based on the criteria in this
22 subsection, shall determine the need for continued detention.
23 A child placed into secure, nonsecure, or home detention care
24 may continue to be so detained by the court pursuant to this
25 subsection. If the court orders a placement more restrictive
26 than indicated by the results of the risk assessment
27 instrument, the court shall state, in writing, clear and
28 convincing reasons for such placement. Except as provided in
29 s. 790.22(8) or in subparagraph (10)(a)2., paragraph (10)(b),
30 paragraph (10)(c), or paragraph (10)(d), when a child is
31 placed into secure or nonsecure detention care, or into a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 respite home or other placement pursuant to a court order
2 following a hearing, the court order must include specific
3 instructions that direct the release of the child from such
4 placement no later than 5 p.m. on the last day of the
5 detention period specified in paragraph (5)(b) or paragraph
6 (5)(c), or subparagraph (10)(a)1., whichever is applicable,
7 unless the requirements of such applicable provision have been
8 met or an order of continuance has been granted pursuant to
9 paragraph (5)(d).

10 Section 5. Section 435.04, Florida Statutes, 1998
11 Supplement, is amended to read:

12 435.04 Level 2 screening standards.--

13 (1) All employees in positions designated by law as
14 positions of trust or responsibility shall be required to
15 undergo security background investigations as a condition of
16 employment and continued employment. For the purposes of this
17 subsection, security background investigations shall include,
18 but not be limited to, employment history checks,
19 fingerprinting for all purposes and checks in this subsection,
20 statewide criminal and juvenile records checks through the
21 Florida Department of Law Enforcement, and federal criminal
22 records checks through the Federal Bureau of Investigation,
23 and may include local criminal records checks through local
24 law enforcement agencies.

25 (2) The security background investigations under this
26 section must ensure that no persons subject to the provisions
27 of this section have been found guilty of, regardless of
28 adjudication, or entered a plea of nolo contendere or guilty
29 to, any offense prohibited under any of the following
30 provisions of the Florida Statutes or under any similar
31 statute of another jurisdiction:

Bill No. HB 349, 2nd Eng.

Amendment No. ____

- 1 (a) Section 415.111, relating to adult abuse, neglect,
2 or exploitation of aged persons or disabled adults.
- 3 (b) Section 782.04, relating to murder.
- 4 (c) Section 782.07, relating to manslaughter,
5 aggravated manslaughter of an elderly person or disabled
6 adult, or aggravated manslaughter of a child.
- 7 (d) Section 782.071, relating to vehicular homicide.
- 8 (e) Section 782.09, relating to killing of an unborn
9 child by injury to the mother.
- 10 (f) Section 784.011, relating to assault, if the
11 victim of the offense was a minor.
- 12 (g) Section 784.021, relating to aggravated assault.
- 13 (h) Section 784.03, relating to battery, if the victim
14 of the offense was a minor.
- 15 (i) Section 784.045, relating to aggravated battery.
- 16 (j) Section 784.075, relating to battery on a
17 detention or commitment facility staff.
- 18 ~~(k)(j)~~ Section 787.01, relating to kidnapping.
- 19 ~~(l)(k)~~ Section 787.02, relating to false imprisonment.
- 20 (m) Section 787.04(2), relating to taking, enticing,
21 or removing a child beyond the state limits with criminal
22 intent pending custody proceedings.
- 23 (n) Section 787.04(3), relating to carrying a child
24 beyond the state lines with criminal intent to avoid producing
25 a child at a custody hearing or delivering the child to the
26 designated person.
- 27 (o) Section 790.115(1), relating to exhibiting
28 firearms or weapons within 1,000 feet of a school.
- 29 (p) Section 790.115(2)(b), relating to possessing an
30 electric weapon or device, destructive device, or other weapon
31 on school property.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

- 1 (q)~~(l)~~ Section 794.011, relating to sexual battery.
- 2 (r)~~(m)~~ Former s. 794.041, relating to prohibited acts
- 3 of persons in familial or custodial authority.
- 4 (s)~~(n)~~ Chapter 796, relating to prostitution.
- 5 (t)~~(o)~~ Section 798.02, relating to lewd and lascivious
- 6 behavior.
- 7 (u)~~(p)~~ Chapter 800, relating to lewdness and indecent
- 8 exposure.
- 9 (v)~~(q)~~ Section 806.01, relating to arson.
- 10 (w)~~(r)~~ Chapter 812, relating to theft, robbery, and
- 11 related crimes, if the offense is a felony.
- 12 (x)~~(s)~~ Section 817.563, relating to fraudulent sale of
- 13 controlled substances, only if the offense was a felony.
- 14 (y)~~(t)~~ Section 825.102, relating to abuse, aggravated
- 15 abuse, or neglect of an elderly person or disabled adult.
- 16 (z)~~(u)~~ Section 825.1025, relating to lewd or
- 17 lascivious offenses committed upon or in the presence of an
- 18 elderly person or disabled adult.
- 19 (aa)~~(v)~~ Section 825.103, relating to exploitation of
- 20 an elderly person or disabled adult, if the offense was a
- 21 felony.
- 22 (bb)~~(w)~~ Section 826.04, relating to incest.
- 23 (cc)~~(x)~~ Section 827.03, relating to child abuse,
- 24 aggravated child abuse, or neglect of a child.
- 25 (dd)~~(y)~~ Section 827.04, relating to contributing to
- 26 the delinquency or dependency of a child.
- 27 (ee)~~(z)~~ Section 827.05, relating to negligent
- 28 treatment of children.
- 29 (ff)~~(aa)~~ Section 827.071, relating to sexual
- 30 performance by a child.
- 31 (gg) Section 843.01, relating to resisting arrest with

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 violence.

2 (hh) Section 843.025, relating to depriving a law
3 enforcement, correctional, or correctional probation officer
4 means of protection or communication.

5 (ii) Section 843.12, relating to aiding in an escape.

6 (jj) Section 843.13, relating to aiding in the escape
7 of juvenile inmates in correctional institutions.

8 (kk)~~(bb)~~ Chapter 847, relating to obscene literature.

9 (ll) Section 874.05(1), relating to encouraging or
10 recruiting another to join a criminal gang.

11 (mm)~~(cc)~~ Chapter 893, relating to drug abuse
12 prevention and control, only if the offense was a felony or if
13 any other person involved in the offense was a minor.

14 (nn) Section 944.35(3), relating to inflicting cruel
15 or inhuman treatment on an inmate resulting in great bodily
16 harm.

17 (oo) Section 944.46, relating to harboring,
18 concealing, or aiding an escaped prisoner.

19 (pp) Section 944.47, relating to introduction of
20 contraband into a correctional facility.

21 (qq) Section 985.4045, relating to sexual misconduct
22 in juvenile justice programs.

23 (rr) Section 985.4046, relating to contraband
24 introduced into detention facilities.

25 (3) Standards must also ensure that the person:

26 (a) For employees or employers licensed or registered
27 pursuant to chapter 400, does not have a confirmed report of
28 abuse, neglect, or exploitation as defined in s. 415.102(5),
29 which has been uncontested or upheld under s. 415.103.

30 (b) Has not committed an act that constitutes domestic
31 violence as defined in s. 741.30.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (4) Under penalty of perjury, all employees in such
2 positions of trust or responsibility shall attest to meeting
3 the requirements for qualifying for employment and agreeing to
4 inform the employer immediately if convicted of any of the
5 disqualifying offenses while employed by the employer. Each
6 employer of employees in such positions of trust or
7 responsibilities which is licensed or registered by a state
8 agency shall submit to the licensing agency annually, under
9 penalty of perjury, an affidavit of compliance with the
10 provisions of this section.

11 Section 6. Subsection (1) of section 943.0515, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 943.0515 Retention of criminal history records of
14 minors.--

15 (1)(a) The Criminal Justice Information Program shall
16 retain the criminal history record of a minor who is
17 classified as a serious or habitual juvenile offender or
18 committed to a juvenile correctional facility or juvenile
19 prison under chapter 985 for 5 years after the date the
20 offender reaches 21 years of age, at which time the record
21 shall be expunged unless it meets the criteria of paragraph
22 (2)(a) or paragraph (2)(b).

23 (b) If the minor is not classified as a serious or
24 habitual juvenile offender or committed to a juvenile
25 correctional facility or juvenile prison under chapter 985,
26 the program shall retain the minor's criminal history record
27 for 5 years after the date the minor reaches 19 years of age,
28 at which time the record shall be expunged unless it meets the
29 criteria of paragraph (2)(a) or paragraph (2)(b).

30 Section 7. Paragraph (r) is added to subsection (1) of
31 section 960.001, Florida Statutes, 1998 Supplement, to read:

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 960.001 Guidelines for fair treatment of victims and
2 witnesses in the criminal justice and juvenile justice
3 systems.--

4 (1) The Department of Legal Affairs, the state
5 attorneys, the Department of Corrections, the Department of
6 Juvenile Justice, the Parole Commission, the State Courts
7 Administrator and circuit court administrators, the Department
8 of Law Enforcement, and every sheriff's department, police
9 department, or other law enforcement agency as defined in s.
10 943.10(4) shall develop and implement guidelines for the use
11 of their respective agencies, which guidelines are consistent
12 with the purposes of this act and s. 16(b), Art. I of the
13 State Constitution and are designed to implement the
14 provisions of s. 16(b), Art. I of the State Constitution and
15 to achieve the following objectives:

16 (r) Implementing crime prevention in order to protect
17 the safety of persons and property, as prescribed in the State
18 Comprehensive Plan.--By preventing crimes that create victims
19 or further harm former victims, crime-prevention efforts are
20 an essential part of providing effective service for victims
21 and witnesses. Therefore, the agencies identified in this
22 subsection may participate in and expend funds for crime
23 prevention, public awareness, public participation, and
24 educational activities directly relating to, and in
25 furtherance of, existing public safety statutes. Furthermore,
26 funds may not be expended for the purpose of influencing
27 public opinion on public policy issues that have not been
28 resolved by the Legislature or the electorate.

29 Section 8. Subsection (16) of section 984.03, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 984.03 Definitions.--When used in this chapter, the

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 term:

2 (16) "Delinquency program" means any intake, community
3 control ~~and furlough~~, or similar program; regional detention
4 center or facility; or community-based program, whether owned
5 and operated by or contracted by the Department of Juvenile
6 Justice, or institution owned and operated by or contracted by
7 the Department of Juvenile Justice, which provides intake,
8 supervision, or custody and care of children who are alleged
9 to be or who have been found to be delinquent pursuant to
10 chapter 985.

11 Section 9. Paragraph (a) of present subsection (15)
12 and paragraphs (a) and (e) of present subsection (46) of
13 section 985.03, Florida Statutes, 1998 Supplement, are
14 amended, and present subsections (4) through (59) are
15 redesignated as subsections (5) through (60), respectively,
16 and a new subsection (4) is added to that section, to read:

17 985.03 Definitions.--When used in this chapter, the
18 term:

19 (4) "Aftercare" means the care, treatment, help, and
20 supervision provided to a juvenile released from a residential
21 commitment program which is intended to promote rehabilitation
22 and prevent recidivism. The purpose of aftercare is to protect
23 the public, reduce recidivism, increase responsible productive
24 behavior, and provide for a successful transition of the youth
25 from the department to the family. Aftercare includes, but is
26 not limited to, minimum-risk nonresidential programs, reentry
27 services, and postcommitment community control.

28 (16)(15)(a) "Delinquency program" means any intake,
29 community control ~~and furlough~~, or similar program; regional
30 detention center or facility; or community-based program,
31 whether owned and operated by or contracted by the Department

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 of Juvenile Justice, or institution owned and operated by or
2 contracted by the Department of Juvenile Justice, which
3 provides intake, supervision, or custody and care of children
4 who are alleged to be or who have been found to be delinquent
5 pursuant to part II.

6 ~~(47)(46)~~ "Restrictiveness level" means the level of
7 custody provided by programs that service the custody and care
8 needs of committed children. There shall be five
9 restrictiveness levels:

10 (a) Minimum-risk nonresidential.--Youth assessed and
11 classified for placement in programs at this restrictiveness
12 level represent a minimum risk to themselves and public safety
13 and do not require placement and services in residential
14 settings. Programs or program models in this restrictiveness
15 level include: community counselor supervision programs,
16 special intensive group programs, nonresidential marine
17 programs, nonresidential training and rehabilitation centers,
18 and other local community nonresidential programs, including
19 any nonresidential program or supervision program that is used
20 for aftercare placement.

21 (e) Juvenile correctional facilities or juvenile
22 prison ~~Maximum-risk residential~~.--Youth assessed and
23 classified for this level of placement require close
24 supervision in a maximum security residential setting that
25 provides 24-hour-per-day secure custody, care, and
26 supervision. Placement in a program in this level is prompted
27 by a demonstrated need to protect the public. Programs or
28 program models in this level are maximum-secure-custody,
29 long-term residential commitment facilities that are intended
30 to provide a moderate overlay of educational, vocational, and
31 behavioral-modification services and other maximum-security

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 program models authorized by the Legislature and established
2 by rule. Section 985.3141 applies to children placed in
3 programs in this restrictiveness level.

4 Section 10. Paragraph (b) of subsection (4) of section
5 39.0132, Florida Statutes, 1998 Supplement, is amended to
6 read:

7 39.0132 Oaths, records, and confidential
8 information.--

9 (4)

10 (b) The department shall disclose to the school
11 superintendent the presence of any child in the care and
12 custody or under the jurisdiction or supervision of the
13 department who has a known history of criminal sexual behavior
14 with other juveniles; is an alleged juvenile sex offender, as
15 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
16 contendere to, or has been found to have committed, a
17 violation of chapter 794, chapter 796, chapter 800, s.
18 827.071, or s. 847.0133, regardless of adjudication. Any
19 employee of a district school board who knowingly and
20 willfully discloses such information to an unauthorized person
21 commits a misdemeanor of the second degree, punishable as
22 provided in s. 775.082 or s. 775.083.

23 Section 11. Paragraph (b) of subsection (3) of section
24 985.04, Florida Statutes, 1998 Supplement, is amended to read:

25 985.04 Oaths; records; confidential information.--

26 (3)

27 (b) The department shall disclose to the school
28 superintendent the presence of any child in the care and
29 custody or under the jurisdiction or supervision of the
30 department who has a known history of criminal sexual behavior
31 with other juveniles; is an alleged juvenile sex offender, as

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 defined in s. 39.01 ~~s. 415.50165~~; or has pled guilty or nolo
2 contendere to, or has been found to have committed, a
3 violation of chapter 794, chapter 796, chapter 800, s.
4 827.071, or s. 847.0133, regardless of adjudication. Any
5 employee of a district school board who knowingly and
6 willfully discloses such information to an unauthorized person
7 commits a misdemeanor of the second degree, punishable as
8 provided in s. 775.082 or s. 775.083.

9 Section 12. Paragraph (d) of subsection (1) of section
10 985.207, Florida Statutes, 1998 Supplement, is amended to
11 read:

12 985.207 Taking a child into custody.--

13 (1) A child may be taken into custody under the
14 following circumstances:

15 (d) By a law enforcement officer who has probable
16 cause to believe that the child is in violation of the
17 conditions of the child's community control, home detention
18 ~~furlough~~, or aftercare supervision or has absconded from
19 commitment.

20
21 Nothing in this subsection shall be construed to allow the
22 detention of a child who does not meet the detention criteria
23 in s. 985.215.

24 Section 13. Section 985.208, Florida Statutes, 1998
25 Supplement, is amended to read:

26 985.208 Detention of ~~furloughed child or~~ escapee on
27 authority of the department.--

28 (1) If an authorized agent of the department has
29 reasonable grounds to believe that any delinquent child
30 committed to the department has escaped from a facility of the
31 department or from being lawfully transported thereto or

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 therefrom, the agent may take the child into active custody
2 and may deliver the child to the facility or, if it is closer,
3 to a detention center for return to the facility. However, a
4 child may not be held in detention longer than 24 hours,
5 excluding Saturdays, Sundays, and legal holidays, unless a
6 special order so directing is made by the judge after a
7 detention hearing resulting in a finding that detention is
8 required based on the criteria in s. 985.215(2). The order
9 shall state the reasons for such finding. The reasons shall be
10 reviewable by appeal or in habeas corpus proceedings in the
11 district court of appeal.

12 (2) Any sheriff or other law enforcement officer, upon
13 the request of the secretary of the department or duly
14 authorized agent, shall take a child who has escaped or
15 absconded from a department facility for committed delinquent
16 children, or from being lawfully transported thereto or
17 therefrom, into custody and deliver the child to the
18 appropriate juvenile probation officer of the department.

19 Section 14. Paragraph (b) of subsection (1) of section
20 985.212, Florida Statutes, is amended to read:

21 985.212 Fingerprinting and photographing.--

22 (1)

23 (b) A child who is charged with or found to have
24 committed one of the following offenses ~~misdemeanors~~ shall be
25 fingerprinted and the fingerprints shall be submitted to the
26 Department of Law Enforcement as provided in s. 943.051(3)(b):

27 1. Assault, as defined in s. 784.011.

28 2. Battery, as defined in s. 784.03.

29 3. Carrying a concealed weapon, as defined in s.
30 790.01(1).

31 4. Unlawful use of destructive devices or bombs, as

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 defined in s. 790.1615(1).

2 5. Negligent treatment of children, as defined in
3 former s. 827.05.

4 6. Assault on a law enforcement officer, a
5 firefighter, or other specified officers, as defined in s.
6 784.07(2)(a).

7 7. Open carrying of a weapon, as defined in s.
8 790.053.

9 8. Exposure of sexual organs, as defined in s. 800.03.

10 9. Unlawful possession of a firearm, as defined in s.
11 790.22(5).

12 10. Petit theft, as defined in s. 812.014.

13 11. Cruelty to animals, as defined in s. 828.12(1).

14 12. Arson, resulting in bodily harm to a firefighter,
15 as defined in s. 806.031(1).

16 13. Unlawful possession or discharge of a weapon or
17 firearm at a school-sponsored event or on school property as
18 defined in s. 790.115.

19

20 A law enforcement agency may fingerprint and photograph a
21 child taken into custody upon probable cause that such child
22 has committed any other violation of law, as the agency deems
23 appropriate. Such fingerprint records and photographs shall be
24 retained by the law enforcement agency in a separate file, and
25 these records and all copies thereof must be marked "Juvenile
26 Confidential." These records are ~~shall~~ ~~not~~ ~~be~~ available for
27 public disclosure and inspection under s. 119.07(1) except as
28 provided in ss. 943.053 and 985.04(5), but shall be available
29 to other law enforcement agencies, criminal justice agencies,
30 state attorneys, the courts, the child, the parents or legal
31 custodians of the child, their attorneys, and any other person

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 authorized by the court to have access to such records. In
2 addition, such records may be submitted to the Department of
3 Law Enforcement for inclusion in the state criminal history
4 records and used by criminal justice agencies for criminal
5 justice purposes. These records may, in the discretion of the
6 court, be open to inspection by anyone upon a showing of
7 cause. The fingerprint and photograph records shall be
8 produced in the court whenever directed by the court. Any
9 photograph taken pursuant to this section may be shown by a
10 law enforcement officer to any victim or witness of a crime
11 for the purpose of identifying the person who committed such
12 crime.

13 Section 15. Paragraphs (a) and (c) of subsection (1)
14 and subsection (2) of section 985.231, Florida Statutes, 1998
15 Supplement, are amended to read:

16 985.231 Powers of disposition in delinquency cases.--

17 (1)

18 (a) The court that has jurisdiction of an adjudicated
19 delinquent child may, by an order stating the facts upon which
20 a determination of a sanction and rehabilitative program was
21 made at the disposition hearing:

22 1. Place the child in a community control program or a
23 postcommitment community control ~~an aftercare~~ program under
24 the supervision of an authorized agent of the Department of
25 Juvenile Justice or of any other person or agency specifically
26 authorized and appointed by the court, whether in the child's
27 own home, in the home of a relative of the child, or in some
28 other suitable place under such reasonable conditions as the
29 court may direct. A community control program for an
30 adjudicated delinquent child must include a penalty component
31 such as restitution in money or in kind, community service, a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 curfew, revocation or suspension of the driver's license of
2 the child, or other nonresidential punishment appropriate to
3 the offense and must also include a rehabilitative program
4 component such as a requirement of participation in substance
5 abuse treatment or in school or other educational program.
6 Upon the recommendation of the department at the time of
7 disposition, or subsequent to disposition pursuant to the
8 filing of a petition alleging a violation of the child's
9 conditions of community control or aftercare supervision, the
10 court may order the child to submit to random testing for the
11 purpose of detecting and monitoring the use of alcohol or
12 controlled substances.

13 a. A restrictiveness level classification scale for
14 levels of supervision shall be provided by the department,
15 taking into account the child's needs and risks relative to
16 community control supervision requirements to reasonably
17 ensure the public safety. Community control programs for
18 children shall be supervised by the department or by any other
19 person or agency specifically authorized by the court. These
20 programs must include, but are not limited to, structured or
21 restricted activities as described in this subparagraph, and
22 shall be designed to encourage the child toward acceptable and
23 functional social behavior. If supervision or a program of
24 community service is ordered by the court, the duration of
25 such supervision or program must be consistent with any
26 treatment and rehabilitation needs identified for the child
27 and may not exceed the term for which sentence could be
28 imposed if the child were committed for the offense, except
29 that the duration of such supervision or program for an
30 offense that is a misdemeanor of the second degree, or is
31 equivalent to a misdemeanor of the second degree, may be for a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 period not to exceed 6 months. When restitution is ordered by
2 the court, the amount of restitution may not exceed an amount
3 the child and the parent or guardian could reasonably be
4 expected to pay or make. A child who participates in any work
5 program under this part is considered an employee of the state
6 for purposes of liability, unless otherwise provided by law.

7 b. The court may conduct judicial review hearings for
8 a child placed on community control for the purpose of
9 fostering accountability to the judge and compliance with
10 other requirements, such as restitution and community service.
11 The court may allow early termination of community control for
12 a child who has substantially complied with the terms and
13 conditions of community control.

14 c. If the conditions of the community control program
15 or the postcommitment community control ~~aftercare~~ program are
16 violated, the department ~~agent supervising the program as it~~
17 ~~relates to the child involved,~~ or the state attorney, may
18 bring the child before the court on a petition alleging a
19 violation of the program. Any child who violates the
20 conditions of community control or postcommitment community
21 control ~~aftercare~~ must be brought before the court if
22 sanctions are sought. A child taken into custody under s.
23 985.207 for violating the conditions of community control or
24 postcommitment community control ~~aftercare~~ shall be held in a
25 consequence unit if such a unit is available. The child shall
26 be afforded a hearing within 24 hours after being taken into
27 custody to determine the existence of probable cause that the
28 child violated the conditions of community control or
29 postcommitment community control ~~aftercare~~. A consequence unit
30 is a secure facility specifically designated by the department
31 for children who are taken into custody under s. 985.207 for

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 violating community control or postcommitment community
2 control ~~aftercare~~, or who have been found by the court to have
3 violated the conditions of community control or postcommitment
4 community control ~~aftercare~~. If the violation involves a new
5 charge of delinquency, the child may be detained under s.
6 985.215 in a facility other than a consequence unit. If the
7 child is not eligible for detention for the new charge of
8 delinquency, the child may be held in the consequence unit
9 pending a hearing and is subject to the time limitations
10 specified in s. 985.215. If the child denies violating the
11 conditions of community control or postcommitment community
12 control ~~aftercare~~, the court shall appoint counsel to
13 represent the child at the child's request. Upon the child's
14 admission, or if the court finds after a hearing that the
15 child has violated the conditions of community control or
16 postcommitment community control ~~aftercare~~, the court shall
17 enter an order revoking, modifying, or continuing community
18 control or postcommitment community control ~~aftercare~~. In each
19 such case, the court shall enter a new disposition order and,
20 in addition to the sanctions set forth in this paragraph, may
21 impose any sanction the court could have imposed at the
22 original disposition hearing. If the child is found to have
23 violated the conditions of community control or postcommitment
24 community control ~~aftercare~~, the court may:

25 (I) Place the child in a consequence unit in that
26 judicial circuit, if available, for up to 5 days for a first
27 violation, and up to 15 days for a second or subsequent
28 violation.

29 (II) Place the child on home detention with electronic
30 monitoring. However, this sanction may be used only if a
31 residential consequence unit is not available.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (III) Modify or continue the child's community control
2 program or postcommitment community control ~~aftercare~~ program.

3 (IV) Revoke community control or postcommitment
4 community control ~~aftercare~~ and commit the child to the
5 department.

6 d. Notwithstanding s. 743.07 and paragraph (d), and
7 except as provided in s. 985.31, the term of any order placing
8 a child in a community control program must be until the
9 child's 19th birthday unless he or she is released by the
10 court, on the motion of an interested party or on its own
11 motion.

12 2. Commit the child to a licensed child-caring agency
13 willing to receive the child, but the court may not commit the
14 child to a jail or to a facility used primarily as a detention
15 center or facility or shelter.

16 3. Commit the child to the Department of Juvenile
17 Justice at a restrictiveness level defined in s. 985.03 ~~s.~~
18 ~~985.03(45)~~. Such commitment must be for the purpose of
19 exercising active control over the child, including, but not
20 limited to, custody, care, training, urine monitoring, and
21 treatment of the child and release ~~furlough~~ of the child into
22 the community in a postcommitment nonresidential aftercare
23 program. If the child is not successful in the aftercare
24 program, the department may use the transfer procedure under
25 s. 985.404. Notwithstanding s. 743.07 and paragraph (d), and
26 except as provided in s. 985.31, the term of the commitment
27 must be until the child is discharged by the department or
28 until he or she reaches the age of 21.

29 4. Revoke or suspend the driver's license of the
30 child.

31 5. Require the child and, if the court finds it

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 appropriate, the child's parent or guardian together with the
2 child, to render community service in a public service
3 program.

4 6. As part of the community control program to be
5 implemented by the Department of Juvenile Justice, or, in the
6 case of a committed child, as part of the community-based
7 sanctions ordered by the court at the disposition hearing or
8 before the child's release from commitment, order the child to
9 make restitution in money, through a promissory note cosigned
10 by the child's parent or guardian, or in kind for any damage
11 or loss caused by the child's offense in a reasonable amount
12 or manner to be determined by the court. The clerk of the
13 circuit court shall be the receiving and dispensing agent. In
14 such case, the court shall order the child or the child's
15 parent or guardian to pay to the office of the clerk of the
16 circuit court an amount not to exceed the actual cost incurred
17 by the clerk as a result of receiving and dispensing
18 restitution payments. The clerk shall notify the court if
19 restitution is not made, and the court shall take any further
20 action that is necessary against the child or the child's
21 parent or guardian. A finding by the court, after a hearing,
22 that the parent or guardian has made diligent and good faith
23 efforts to prevent the child from engaging in delinquent acts
24 absolves the parent or guardian of liability for restitution
25 under this subparagraph.

26 7. Order the child and, if the court finds it
27 appropriate, the child's parent or guardian together with the
28 child, to participate in a community work project, either as
29 an alternative to monetary restitution or as part of the
30 rehabilitative or community control program.

31 8. Commit the child to the Department of Juvenile

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 Justice for placement in a program or facility for serious or
2 habitual juvenile offenders in accordance with s. 985.31. Any
3 commitment of a child to a program or facility for serious or
4 habitual juvenile offenders must be for an indeterminate
5 period of time, but the time may not exceed the maximum term
6 of imprisonment that an adult may serve for the same offense.
7 The court may retain jurisdiction over such child until the
8 child reaches the age of 21, specifically for the purpose of
9 the child completing the program.

10 9. In addition to the sanctions imposed on the child,
11 order the parent or guardian of the child to perform community
12 service if the court finds that the parent or guardian did not
13 make a diligent and good faith effort to prevent the child
14 from engaging in delinquent acts. The court may also order the
15 parent or guardian to make restitution in money or in kind for
16 any damage or loss caused by the child's offense. The court
17 shall determine a reasonable amount or manner of restitution,
18 and payment shall be made to the clerk of the circuit court as
19 provided in subparagraph 6.

20 10. Subject to specific appropriation, commit the
21 juvenile sexual offender to the Department of Juvenile Justice
22 for placement in a program or facility for juvenile sexual
23 offenders in accordance with s. 985.308. Any commitment of a
24 juvenile sexual offender to a program or facility for juvenile
25 sexual offenders must be for an indeterminate period of time,
26 but the time may not exceed the maximum term of imprisonment
27 that an adult may serve for the same offense. The court may
28 retain jurisdiction over a juvenile sexual offender until the
29 juvenile sexual offender reaches the age of 21, specifically
30 for the purpose of completing the program.

31 (c) Any order made pursuant to paragraph (a) shall be

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 in writing as prepared by the clerk of court and may
2 thereafter be modified or set aside by the court.

3 (2) Following a delinquency adjudicatory hearing
4 pursuant to s. 985.228 and a delinquency disposition hearing
5 pursuant to s. 985.23 which results in a commitment
6 determination, the court shall, on its own or upon request by
7 the state or the department, determine whether the protection
8 of the public requires that the child be placed in a program
9 for serious or habitual juvenile offenders and whether the
10 particular needs of the child would be best served by a
11 program for serious or habitual juvenile offenders as provided
12 in s. 985.31. The determination shall be made pursuant to ss.
13 985.03(49)~~985.03(47)~~and 985.23(3).

14 Section 16. Subsections (14) and (15) of section
15 985.308, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 985.308 Juvenile sexual offender commitment programs;
18 sexual abuse intervention networks.--

19 (14) Subject to specific appropriation, availability
20 of funds, or receipt of appropriate grant funds, the Office of
21 the Attorney General, the Department of Children and Family
22 Services, the Department of Juvenile Justice, or local
23 juvenile justice councils shall award grants to sexual abuse
24 intervention networks that apply for such grants. The grants
25 may be used for training, treatment, aftercare, evaluation,
26 public awareness, and other specified community needs that are
27 identified by the network. A grant shall be awarded based on
28 the applicant's level of local funding, level of
29 collaboration, number of juvenile sexual offenders to be
30 served, number of victims to be served, and level of unmet
31 needs. ~~The Department of Legal Affairs' Office of the Attorney~~

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 ~~General, in collaboration with the Department of Juvenile~~
2 ~~Justice and the Department of Children and Family Services,~~
3 ~~shall establish by rule minimum standards for each respective~~
4 ~~department for residential and day treatment juvenile sexual~~
5 ~~offender programs funded under this subsection.~~

6 ~~(15) The Department of Legal Affairs may adopt rules~~
7 ~~necessary to award grants under this section.~~

8 Section 17. Section 985.316, Florida Statutes, is
9 amended to read:

10 985.316 ~~Furlough and intensive~~ Aftercare.--

11 (1) The Legislature finds that:

12 (a) Aftercare is the care, treatment, help, and
13 supervision provided juveniles released from residential
14 commitment programs to promote rehabilitation and prevent
15 recidivism.

16 (b) Aftercare services can contribute significantly to
17 a successful transition of a juvenile from a residential
18 commitment to the juvenile's home, school, and community.
19 Therefore, the best efforts should be made to provide for a
20 successful transition.

21 (c) The purpose of aftercare is to protect safety;
22 reduce recidivism; increase responsible productive behaviors;
23 and provide for a successful transition of care and custody of
24 the youth from the state to the family.

25 (d) Accordingly, aftercare should be included in the
26 continuum of care.

27 (2) It is the intent of the Legislature that:

28 (a) Commitment programs include rehabilitative efforts
29 on preparing committed juveniles for a successful release to
30 the community.

31 (b) Aftercare transition planning begins as early in

Bill No. HB 349, 2nd Eng.

Amendment No.

1 the commitment process as possible.

2 (c) Each juvenile committed to a residential
3 commitment program be assessed to determine the need for
4 aftercare services upon release from the commitment program.

5 (3) For juveniles referred or committed to the
6 department, the function of the department may include, but
7 shall not be limited to, assessing each committed juvenile to
8 determine the need for aftercare services upon release from a
9 commitment program, supervising the juvenile when released
10 into the community from a residential commitment facility of
11 the department, providing such counseling and other services
12 as may be necessary for the families and assisting their
13 preparations for the return of the child. Subject to specific
14 appropriation, the department shall provide for outpatient
15 sexual offender counseling for any juvenile sexual offender
16 released from a commitment program as a component of
17 aftercare.

18 (4) After a youth is released from a residential
19 commitment program, aftercare services may be delivered
20 through either minimum-risk nonresidential commitment
21 restrictiveness programs or postcommitment community control.
22 A juvenile under minimum-risk nonresidential commitment
23 placement will continue to be on commitment status and subject
24 to the transfer provision under s. 985.404. A juvenile on
25 post-commitment community control will be subject to the
26 provisions under s. 985.231(1)(a).

27 ~~(1) With regard to children referred or committed to~~
28 ~~the department, the function of the department may include,~~
29 ~~but shall not be limited to, supervising the child when~~
30 ~~furloughed into the community from a facility of the~~
31 ~~department, including providing such counseling and other~~

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 ~~services as may be necessary for the families and assisting~~
2 ~~their preparations for the return of the child.~~

3 ~~(2) Whenever a delinquent child is committed to a~~
4 ~~residential program operated by a private vendor under~~
5 ~~contract, the department may negotiate with such vendor to~~
6 ~~provide intensive aftercare for the child in the home~~
7 ~~community following successful completion of the residential~~
8 ~~program. Intensive aftercare shall involve regular contact~~
9 ~~between the child and the staff of the vendor with whom the~~
10 ~~child has developed a relationship during the course of the~~
11 ~~commitment program. Contingent upon specific appropriation, a~~
12 ~~contract for intensive aftercare provided by the residential~~
13 ~~commitment program vendor shall provide for caseloads of 10 or~~
14 ~~fewer children, intensive aftercare for 1 year, and a transfer~~
15 ~~of the ongoing case management and reentry responsibilities~~
16 ~~from the department to the vendor at the time the vendor~~
17 ~~admits the child into the commitment program. The department~~
18 ~~shall annually seek the necessary resources to provide~~
19 ~~intensive aftercare.~~

20 ~~(3) Subject to specific appropriation, the department~~
21 ~~shall provide or contract for outpatient sexual offender~~
22 ~~counseling for any juvenile sexual offender furloughed from a~~
23 ~~commitment program, as a component of aftercare services.~~

24 ~~(4) Upon a recommendation that a child committed to~~
25 ~~the department have his or her furlough revoked, the~~
26 ~~department shall, within 30 days after the date the~~
27 ~~recommendation is made, hold an administrative hearing~~
28 ~~pursuant to chapter 120.~~

29 ~~(5) It is the legislative intent that, to prevent~~
30 ~~recidivism of juvenile offenders, reentry and aftercare~~
31 ~~services be provided statewide to each juvenile who returns to~~

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 ~~his or her community from a residential commitment program.~~
2 ~~Accordingly, the Legislature further intends that reentry and~~
3 ~~aftercare services be included in the continuum of care.~~

4 Section 18. Subsections (4) and (10) of section
5 985.404, Florida Statutes, 1998 Supplement, are amended, and
6 subsection (13) is added to that section, to read:

7 985.404 Administering the juvenile justice
8 continuum.--

9 (4) The department may transfer a child, when
10 necessary to appropriately administer the child's commitment,
11 from one facility or program to another facility or program
12 operated, contracted, subcontracted, or designated by the
13 department, including a postcommitment minimum-risk
14 nonresidential aftercare program. The department shall notify
15 the court that committed the child to the department, in
16 writing, of its transfer of the child from a commitment
17 facility or program to another facility or program of a higher
18 or lower restrictiveness level. The court that committed the
19 child may agree to the transfer or may set a hearing to review
20 the transfer. If the court does not respond within 10 days
21 after receipt of the notice, the transfer of the child shall
22 be deemed granted.

23 (10) The department shall annually collect and report
24 cost data for every program operated or contracted by the
25 department. The cost data shall conform to a format approved
26 by the department and the Legislature. Uniform cost data shall
27 be reported and collected for state-operated and contracted
28 programs so that comparisons can be made among programs. The
29 department shall ensure that there is accurate cost accounting
30 for state-operated services including market-equivalent rent
31 and other shared cost. The cost of the educational program

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 provided to a residential facility shall be reported and
 2 included in the cost of a program. The department shall submit
 3 an annual cost report to the President of the Senate, the
 4 Speaker of the House of Representatives, the Minority Leader
 5 of each house of the Legislature, the appropriate substantive
 6 and appropriations committees of each house of the
 7 Legislature, and the Governor, no later than December 1 of
 8 each year. Cost-benefit analysis for educational programs will
 9 be developed and implemented in collaboration with and
 10 cooperation by the Department of Education, local providers,
 11 and local school districts. Cost data for the report shall
 12 include data collected by the Department of Education for the
 13 purposes of preparing the annual report required by s.
 14 230.23161(21)(17).

15 (13) The department shall implement procedures to
 16 ensure that educational support activities are provided
 17 throughout the juvenile justice continuum. Such activities may
 18 include, but are not limited to, mentoring, tutoring, group
 19 discussions, homework assistance, library support, designated
 20 reading times, independent living, personal finance, and other
 21 appropriate educational activities.

22 Section 19. Subsection (3) of section 985.406, Florida
 23 Statutes, 1998 Supplement, is amended to read:

24 985.406 Juvenile justice training academies
 25 established; Juvenile Justice Standards and Training
 26 Commission created; Juvenile Justice Training Trust Fund
 27 created.--

28 (3) JUVENILE JUSTICE TRAINING PROGRAM.--The commission
 29 shall establish a certifiable program for juvenile justice
 30 training pursuant to ~~the provisions of~~ this section, and all
 31 Department of Juvenile Justice program staff and providers who

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 deliver direct care services pursuant to contract with the
2 department shall be required to participate in and
3 successfully complete the commission-approved program of
4 training pertinent to their areas of responsibility. Judges,
5 state attorneys, and public defenders, law enforcement
6 officers, and school district personnel may participate in
7 such training program. For the juvenile justice program staff,
8 the commission shall, based on a job-task analysis:

9 (a) Design, implement, maintain, evaluate, and revise
10 a basic training program, including a competency-based
11 ~~curriculum-based~~ examination, for the purpose of providing
12 minimum employment training qualifications for all juvenile
13 justice personnel. All program staff of the Department of
14 Juvenile Justice and providers who deliver direct-care
15 services who are hired after October 1, 1999, must meet the
16 following minimum requirements:

17 1. Be at least 19 years of age.

18 2. Be a high school graduate or its equivalent as
19 determined by the commission.

20 3. Not have been convicted of any felony or a
21 misdemeanor involving perjury or a false statement, or have
22 received a dishonorable discharge from any of the Armed Forces
23 of the United States. Any person who, after September 30,
24 1999, pleads guilty or nolo contendere to or is found guilty
25 of any felony or a misdemeanor involving perjury or false
26 statement is not eligible for employment, notwithstanding
27 suspension of sentence or withholding of adjudication.

28 Notwithstanding this subparagraph, any person who pleads nolo
29 contendere to a misdemeanor involving a false statement before
30 October 1, 1999, and who has had such record of that plea
31 sealed or expunged is not ineligible for employment for that

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 reason.

2 4. Abide by all the provisions of s. 985.01(2)
3 regarding fingerprinting and background investigations and
4 other screening requirements for personnel.

5 5. Execute and submit to the department an
6 affidavit-of-application form, adopted by the department,
7 attesting to his or her compliance with subparagraphs 1.
8 through 4. The affidavit must be executed under oath and
9 constitutes an official statement under s. 837.06. The
10 affidavit must include conspicuous language that the
11 intentional false execution of the affidavit constitutes a
12 misdemeanor of the second degree. The employing agency shall
13 retain the affidavit.

14 (b) Design, implement, maintain, evaluate, and revise
15 an advanced training program, including a competency-based
16 ~~curriculum-based~~ examination for each training course, which
17 is intended to enhance knowledge, skills, and abilities
18 related to job performance.

19 (c) Design, implement, maintain, evaluate, and revise
20 a career development training program, including a
21 competency-based ~~curriculum-based~~ examination for each
22 training course. Career development courses are intended to
23 prepare personnel for promotion.

24 (d) The commission is encouraged to design, implement,
25 maintain, evaluate, and revise juvenile justice training
26 courses, or to enter into contracts for such training courses,
27 that are intended to provide for the safety and well-being of
28 both citizens and juvenile offenders.

29 Section 20. Section 985.4145, Florida Statutes, is
30 created to read:

31 985.4145 Direct-support organization; definition; use

Bill No. HB 349, 2nd Eng.

Amendment No.

1 of property; board of directors; audit.--

2 (1) DEFINITION.--As used in this section, the term
 3 "direct-support organization" means an organization whose sole
 4 purpose is to support the juvenile justice system and which
 5 is:

6 (a) A corporation not-for-profit incorporated under
 7 chapter 617 and which is approved by the Department of State;

8 (b) Organized and operated to conduct programs and
 9 activities; to raise funds; to request and receive grants,
 10 gifts, and bequests of moneys; to acquire, receive, hold,
 11 invest, and administer, in its own name, securities, funds,
 12 objects of value, or other property, real or personal; and to
 13 make expenditures to or for the direct or indirect benefit of
 14 the Department of Juvenile Justice or the juvenile justice
 15 system operated by a county commission or a district board;

16 (c) Determined by the Department of Juvenile Justice
 17 to be consistent with the goals of the juvenile justice
 18 system, in the best interest of the state, and in accordance
 19 with the adopted goals and mission of the Department of
 20 Juvenile Justice.

21
 22 Expenditures of the organization shall be expressly used to
 23 prevent and ameliorate juvenile delinquency. The expenditures
 24 of the direct-support organization may not be used for the
 25 purpose of lobbying as defined in s. 11.045.

26 (2) CONTRACT.--The direct-support organization shall
 27 operate under written contract with the department. The
 28 contract must provide for:

29 (a) Approval of the articles of incorporation and
 30 bylaws of the direct-support organization by the department.

31 (b) Submission of an annual budget for the approval of

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the department.

2 (c) Certification by the department that the
3 direct-support organization is complying with the terms of the
4 contract and in a manner consistent with the goals and
5 purposes of the department and in the best interest of the
6 state. Such certification must be made annually and reported
7 in the official minutes of a meeting of the direct-support
8 organization.

9 (d) The reversion of moneys and property held in trust
10 by the direct-support organization for the benefit of the
11 juvenile justice system to the state if the department ceases
12 to exist or to the department if the direct-support
13 organization is no longer approved to operate for the
14 department, a county commission, or a district board or if the
15 direct-support organization ceases to exist;

16 (e) The fiscal year of the direct-support
17 organization, which must begin July 1 of each year and end
18 June 30 of the following year;

19 (f) The disclosure of material provisions of the
20 contract, and the distinction between the department and the
21 direct-support organization, to donors of gifts,
22 contributions, or bequests, including such disclosure on all
23 promotional and fundraising publications.

24 (3) BOARD OF DIRECTORS.--The Secretary of Juvenile
25 Justice shall appoint a board of directors of the
26 direct-support organization. Members of the organization must
27 include representatives from businesses, representatives from
28 each of the juvenile justice service districts, and one
29 representative appointed at-large.

30 (4) USE OF PROPERTY.--The department may permit,
31 without charge, appropriate use of fixed property and

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 facilities of the juvenile justice system by the
2 direct-support organization, subject to the provisions of this
3 section.

4 (a) The department may prescribe any condition with
5 which the direct-support organization must comply in order to
6 use fixed property or facilities of the juvenile justice
7 system.

8 (b) The department may not permit the use of any fixed
9 property or facilities of the juvenile justice system by the
10 direct-support organization if it does not provide equal
11 membership and employment opportunities to all persons
12 regardless of race, color, religion, sex, age, or national
13 origin.

14 (c) The department shall adopt rules prescribing the
15 procedures by which the direct-support organization is
16 governed and any conditions with which a direct-support
17 organization must comply to use property or facilities of the
18 department.

19 (5) Any moneys may be held in a separate depository
20 account in the name of the direct-support organization and
21 subject to the provisions of the contract with the department.

22 (6) The direct-support organization shall provide for
23 an annual financial and compliance postaudit of its financial
24 accounts and records by an independent certified public
25 accountant in accordance with rules of the Auditor General.
26 The annual audit report must include a management letter and
27 must be submitted to the Auditor General and the department
28 for review. The department and the Auditor General may require
29 and receive from the direct-support organization, or from its
30 independent auditor, any detail or supplemental data relative
31 to the operation of the organization.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 Section 21. Paragraph (b) of subsection (1) and
2 paragraphs (a) and (b) of subsection (2) of section 985.415,
3 Florida Statutes, 1998 Supplement, are amended to read:

4 985.415 Community Juvenile Justice Partnership
5 Grants.--

6 (1) GRANTS; CRITERIA.--

7 (b) In awarding these grants,the department shall
8 ~~only~~ consider applications that ~~which~~ at a minimum provide for
9 the following:

10 1. The participation of the agencies and programs
11 needed to implement the project or program for which the
12 applicant is applying; ~~and~~

13 2. The reduction of truancy and in-school and
14 out-of-school suspensions and expulsions, ~~and~~ the enhancement
15 of school safety, and other delinquency early-intervention and
16 diversion services;-

17 3. The number of youths from 10 through 17 years of
18 age within the geographic area to be served by the program,
19 giving those geographic areas having the highest number of
20 youths from 10 to 17 years of age priority for selection;

21 4. The extent to which the program targets
22 high-juvenile-crime neighborhoods and those public schools
23 servng juveniles from high-crime neighborhoods;

24 5. The validity and cost-effectiveness of the program;
25 and

26 6. The degree to which the program is located in and
27 managed by local leaders of the target neighborhoods and
28 public schools serving the target neighborhoods.

29 (2) GRANT APPLICATION PROCEDURES.--

30 (a) Each entity wishing to apply for an annual
31 community juvenile justice partnership grant, which may be

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 renewed for a maximum of 2 additional years for the same
2 provision of services, shall submit a grant proposal for
3 funding or continued funding to the department ~~by March 1 of~~
4 ~~each year~~. The department shall establish the grant
5 application procedures. In order to be considered for
6 funding, the grant proposal shall include the following
7 assurances and information:

8 1. A letter from the chair of the county juvenile
9 justice council confirming that the grant application has been
10 reviewed and found to support one or more purposes or goals of
11 the juvenile justice plan as developed by the council.

12 2. A rationale and description of the program and the
13 services to be provided, including goals and objectives.

14 3. A method for identification of the juveniles most
15 likely to be involved ~~at risk of involvement~~ in the juvenile
16 justice system who will be the focus of the program.

17 4. Provisions for the participation of parents and
18 guardians in the program.

19 5. Coordination with other community-based and social
20 service prevention efforts, including, but not limited to,
21 drug and alcohol abuse prevention and dropout prevention
22 programs, that serve the target population or neighborhood.

23 6. An evaluation component to measure the
24 effectiveness of the program in accordance with the provisions
25 of s. 985.412.

26 7. A program budget, including the amount and sources
27 of local cash and in-kind resources committed to the budget.
28 The proposal must establish to the satisfaction of the
29 department that the entity will make a cash or in-kind
30 contribution to the program of a value that is at least equal
31 to 20 percent of the amount of the grant.

Bill No. HB 349, 2nd Eng.

Amendment No.

1 8. The necessary program staff.

2 (b) The department shall consider the following in
3 awarding such grants:

4 ~~1. The number of youths from 10 through 17 years of
5 age within the geographical area to be served by the program.
6 Those geographical areas with the highest number of youths
7 from 10 through 17 years of age shall have priority for
8 selection.~~

9 ~~2. The extent to which the program targets high
10 juvenile crime neighborhoods and those public schools serving
11 juveniles from high crime neighborhoods.~~

12 ~~3. The validity and cost-effectiveness of the program.~~

13 ~~4. The degree to which the program is located in and
14 managed by local leaders of the target neighborhoods and
15 public schools serving the target neighborhoods.~~

16 ~~1.5.~~ The recommendations of the juvenile justice
17 council as to the priority that should be given to proposals
18 submitted by entities within a county.

19 ~~2.6.~~ The recommendations of the juvenile justice board
20 as to the priority that should be given to proposals submitted
21 by entities within a district.

22 Section 22. Subsection (5) of section 985.417, Florida
23 Statutes, is amended to read:

24 985.417 Transfer of children from the Department of
25 Corrections to the Department of Juvenile Justice.--

26 (5) Any child who has been convicted of a capital
27 felony while under the age of 18 years may not be released
28 ~~furloughed~~ on community control without the consent of the
29 Governor and three members of the Cabinet.

30 Section 23. Paragraph (d) of subsection (1) of section
31 419.001, Florida Statutes, 1998 Supplement, is amended to

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 read:

2 419.001 Site selection of community residential
3 homes.--

4 (1) For the purposes of this section, the following
5 definitions shall apply:

6 (d) "Resident" means any of the following: a frail
7 elder as defined in s. 400.618; a physically disabled or
8 handicapped person as defined in s. 760.22(7)(a); a
9 developmentally disabled person as defined in s. 393.063(11);
10 a nondangerous mentally ill person as defined in s.
11 394.455(18); or a child as defined in s. 39.01(11), s.
12 984.03(9) or (12), or s. 985.03(9)~~s. 985.03(8)~~.

13 Section 24. Section 784.075, Florida Statutes, 1998
14 Supplement, is amended to read:

15 784.075 Battery on detention or commitment facility
16 staff.--A person who commits a battery on a juvenile probation
17 officer ~~an intake counselor or case manager~~, as defined in s.
18 984.03 ~~s. 984.03(31)~~ or s. 985.03 ~~s. 985.03(30)~~, on other
19 staff of a detention center or facility as defined in s.
20 984.03 ~~s. 984.03(19)~~ or s. 985.03 ~~s. 985.03(19)~~, or on a staff
21 member of a commitment facility as defined in s. 985.03(47)~~s.~~
22 ~~985.03(45)~~, commits a felony of the third degree, punishable
23 as provided in s. 775.082, s. 775.083, or s. 775.084. For
24 purposes of this section, a staff member of the facilities
25 listed includes persons employed by the Department of Juvenile
26 Justice, persons employed at facilities licensed by the
27 Department of Juvenile Justice, and persons employed at
28 facilities operated under a contract with the Department of
29 Juvenile Justice.

30 Section 25. Section 984.05, Florida Statutes, 1998
31 Supplement, is amended to read:

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 984.05 Rules relating to habitual truants; adoption by
 2 Department of Education and Department of Juvenile
 3 Justice.--The Department of Juvenile Justice and the
 4 Department of Education shall work together on the development
 5 of, and shall adopt, rules as necessary for the implementation
 6 of ss. 232.19, 984.03(29), and 985.03(28)~~985.03(27)~~.

7 Section 26. Subsections (1), (2), (3), and (4) of
 8 section 985.227, Florida Statutes, are amended, and subsection
 9 (5) is added to that section, to read:

10 985.227 Prosecution of juveniles as adults by the
 11 direct filing of an information in the criminal division of
 12 the circuit court; discretionary criteria; mandatory
 13 criteria.--

14 (1) DISCRETIONARY DIRECT FILE; CRITERIA.--

15 (a) With respect to any child who was 14 or 15 years
 16 of age at the time the alleged offense was committed, the
 17 state attorney may file an information when in the state
 18 attorney's judgment and discretion the public interest
 19 requires that adult sanctions be considered or imposed and
 20 when the offense charged is for the commission of, attempt to
 21 commit, or conspiracy to commit:

- 22 1. Arson;
- 23 2. Sexual battery;
- 24 3. Robbery;
- 25 4. Kidnapping;
- 26 5. Aggravated child abuse;
- 27 6. Aggravated assault;
- 28 7. Aggravated stalking;
- 29 8. Murder;
- 30 9. Manslaughter;
- 31 10. Unlawful throwing, placing, or discharging of a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 destructive device or bomb;

2 11. Armed burglary in violation of s. 810.02(2)(b) or
 3 specified burglary of a dwelling or structure in violation of
 4 s. 810.02(2)(c), or burglary with an assault or battery in
 5 violation of s. 810.02(2)(a);

6 12. Aggravated battery;

7 13. Lewd or lascivious assault or act in the presence
 8 of a child;

9 14. Carrying, displaying, using, threatening, or
 10 attempting to use a weapon or firearm during the commission of
 11 a felony; or

12 15. Grand theft in violation of s. 812.014(2)(a);~~;~~

13 16. Possessing or discharging any weapon or firearm on
 14 school property in violation of s. 790.115;

15 17. Home invasion robbery; or

16 18. Carjacking.

17 (b) With respect to any child who was 16 or 17 years
 18 of age at the time the alleged offense was committed, the
 19 state attorney may file an information when in the state
 20 attorney's judgment and discretion the public interest
 21 requires that adult sanctions be considered or imposed.
 22 However, the state attorney may not file an information on a
 23 child charged with a misdemeanor, unless the child has had at
 24 least two previous adjudications or adjudications withheld for
 25 delinquent acts, one of which involved an offense classified
 26 as a felony under state law.

27 (2) MANDATORY DIRECT FILE.--

28 (a) With respect to any child who was 16 or 17 years
 29 of age at the time the alleged offense was committed, the
 30 state attorney shall file an information if the child has been
 31 previously adjudicated delinquent for an act classified as a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 felony, which adjudication was for the commission of, attempt
 2 to commit, or conspiracy to commit murder, sexual battery,
 3 armed or strong-armed robbery, carjacking, home-invasion
 4 robbery, aggravated battery, or aggravated assault, and the
 5 child is currently charged with a second or subsequent violent
 6 crime against a person.

7 (b) Notwithstanding subsection (1), regardless of the
 8 child's age at the time the alleged offense was committed, the
 9 state attorney must file an information with respect to any
 10 child who previously has been adjudicated for offenses which,
 11 if committed by an adult, would be felonies and such
 12 adjudications occurred at three or more separate delinquency
 13 adjudicatory hearings, and three of which resulted in
 14 residential commitments as defined in s. 985.03(47)~~s.~~
 15 ~~985.03(45)~~.

16 (c) The state attorney must file an information if a
 17 child, regardless of the child's age at the time the alleged
 18 offense was committed, is alleged to have committed an act
 19 that would be a violation of law if the child were an adult,
 20 that involves stealing a motor vehicle, including, but not
 21 limited to, a violation of s. 812.133, relating to carjacking,
 22 or s. 812.014(2)(c)6., relating to grand theft of a motor
 23 vehicle, and while the child was in possession of the stolen
 24 motor vehicle the child caused serious bodily injury to or the
 25 death of a person who was not involved in the underlying
 26 offense. For purposes of this section, the driver and all
 27 willing passengers in the stolen motor vehicle at the time
 28 such serious bodily injury or death is inflicted shall also be
 29 subject to mandatory transfer to adult court. "Stolen motor
 30 vehicle," for the purposes of this section, means a motor
 31 vehicle that has been the subject of any criminal wrongful

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 taking. For purposes of this section, "willing passengers"
2 means all willing passengers who have participated in the
3 underlying offense.

4 (3) EFFECT OF DIRECT FILE.--

5 (a) Once a child has been transferred for criminal
6 prosecution pursuant to an information and has been found to
7 have committed the presenting offense or a lesser included
8 offense, the child shall be handled thereafter in every
9 respect as if an adult for any subsequent violation of state
10 law, unless the court imposes juvenile sanctions under s.
11 985.233.

12 (b) When a child is transferred for criminal
13 prosecution as an adult, the court shall immediately transfer
14 and certify to the adult circuit appropriate court all felony
15 preadjudicatory cases pertaining to the child, for prosecution
16 of the child as an adult, which have not yet resulted in a
17 plea of guilty or nolo contendere or in which a finding of
18 guilt has not been made. If a child is acquitted of all
19 charged offenses or lesser included offenses contained in the
20 original case transferred to adult court, all felony cases
21 that were transferred to adult court as a result of this
22 paragraph shall be subject to the same penalties to which such
23 cases would have been subject before being transferred to
24 adult court that pertain to that child which are pending in
25 juvenile court, including, but not limited to, all cases
26 involving offenses that occur or are referred between the date
27 of transfer and sentencing in adult court and all outstanding
28 juvenile disposition orders. The juvenile court shall make
29 every effort to dispose of all predispositional cases and
30 transfer those cases to the adult court prior to adult
31 sentencing. It is the intent of the Legislature to require all

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 ~~cases occurring prior to the sentencing hearing in adult court~~
2 ~~to be handled by the adult court for final resolution with the~~
3 ~~original transfer case.~~

4 (c) When a child has been transferred for criminal
5 prosecution as an adult and has been found to have committed a
6 violation of state law, the disposition of the case may be
7 made under s. 985.233 and may include the enforcement of any
8 restitution ordered in any juvenile proceeding.

9 (4) DIRECT-FILE POLICIES AND GUIDELINES.--Each state
10 attorney shall develop ~~and annually update~~ written policies
11 and guidelines to govern determinations for filing an
12 information on a juvenile, to be submitted to the Executive
13 Office of the Governor, the President of the Senate, the
14 Speaker of the House of Representatives, and the Juvenile
15 Justice Advisory Board not later than January 1 of each year.

16 (5) An information filed pursuant to this section may
17 include all charges that are based on the same act, criminal
18 episode, or transaction as the primary offenses.

19 Section 27. Paragraph (e) of subsection (3) and
20 paragraph (a) of subsection (4) of section 985.31, Florida
21 Statutes, 1998 Supplement, are amended to read:

22 985.31 Serious or habitual juvenile offender.--

23 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
24 TREATMENT.--

25 (e) After a child has been adjudicated delinquent
26 pursuant to s. 985.228, the court shall determine whether the
27 child meets the criteria for a serious or habitual juvenile
28 offender pursuant to s. 985.03(49)~~s. 985.03(47)~~. If the court
29 determines that the child does not meet such criteria, the
30 provisions of s. 985.231(1) shall apply.

31 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (a) Pursuant to the provisions of this section, the
 2 department shall implement the comprehensive assessment
 3 instrument for the treatment needs of serious or habitual
 4 juvenile offenders and for the assessment, which assessment
 5 shall include the criteria under s. 985.03(49)~~s. 985.03(47)~~
 6 and shall also include, but not be limited to, evaluation of
 7 the child's:

- 8 1. Amenability to treatment.
- 9 2. Proclivity toward violence.
- 10 3. Tendency toward gang involvement.
- 11 4. Substance abuse or addiction and the level thereof.
- 12 5. History of being a victim of child abuse or sexual
 13 abuse, or indication of sexual behavior dysfunction.
- 14 6. Number and type of previous adjudications, findings
 15 of guilt, and convictions.
- 16 7. Potential for rehabilitation.

17 Section 28. Paragraph (e) of subsection (3) and
 18 paragraph (a) of subsection (4) of section 985.311, Florida
 19 Statutes, 1998 Supplement, are amended to read:

20 985.311 Intensive residential treatment program for
 21 offenders less than 13 years of age.--

22 (3) PRINCIPLES AND RECOMMENDATIONS OF ASSESSMENT AND
 23 TREATMENT.--

24 (e) After a child has been adjudicated delinquent
 25 pursuant to s. 985.228(5), the court shall determine whether
 26 the child is eligible for an intensive residential treatment
 27 program for offenders less than 13 years of age pursuant to s.
 28 985.03(8)~~s. 985.03(7)~~. If the court determines that the
 29 child does not meet the criteria, the provisions of s.
 30 985.231(1) shall apply.

31 (4) ASSESSMENTS, TESTING, RECORDS, AND INFORMATION.--

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (a) Pursuant to the provisions of this section, the
 2 department shall implement the comprehensive assessment
 3 instrument for the treatment needs of children who are
 4 eligible for an intensive residential treatment program for
 5 offenders less than 13 years of age and for the assessment,
 6 which assessment shall include the criteria under s. 985.03(8)
 7 ~~s. 985.03(7)~~ and shall also include, but not be limited to,
 8 evaluation of the child's:

- 9 1. Amenability to treatment.
- 10 2. Proclivity toward violence.
- 11 3. Tendency toward gang involvement.
- 12 4. Substance abuse or addiction and the level thereof.
- 13 5. History of being a victim of child abuse or sexual
 14 abuse, or indication of sexual behavior dysfunction.
- 15 6. Number and type of previous adjudications, findings
 16 of guilt, and convictions.
- 17 7. Potential for rehabilitation.

18 Section 29. Section 985.312, Florida Statutes, is
 19 amended to read:

20 985.312 Intensive residential treatment programs for
 21 offenders less than 13 years of age; prerequisite for
 22 commitment.--No child who is eligible for commitment to an
 23 intensive residential treatment program for offenders less
 24 than 13 years of age as established in s. 985.03(8)~~s.~~
 25 ~~985.03(7)~~, may be committed to any intensive residential
 26 treatment program for offenders less than 13 years of age as
 27 established in s. 985.311, unless such program has been
 28 established by the department through existing resources or
 29 specific appropriation, for such program.

30 Section 30. Section 985.3141, Florida Statutes, is
 31 amended to read:

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 985.3141 Escapes from secure detention or residential
2 commitment facility.--An escape from:

3 (1) Any secure detention facility maintained for the
4 temporary detention of children, pending adjudication,
5 disposition, or placement;

6 (2) Any residential commitment facility described in
7 s. 985.03(47)~~s. 985.03(45)~~, maintained for the custody,
8 treatment, punishment, or rehabilitation of children found to
9 have committed delinquent acts or violations of law; or

10 (3) Lawful transportation to or from any such secure
11 detention facility or residential commitment facility,

12
13 constitutes escape within the intent and meaning of s. 944.40
14 and is a felony of the third degree, punishable as provided in
15 s. 775.082, s. 775.083, or s. 775.084.

16 Section 31. Subsection (1) of section 985.234, Florida
17 Statutes, is amended to read:

18 985.234 Appeal.--

19 (1) An appeal from an order of the court affecting a
20 party to a case involving a child pursuant to this part may be
21 taken to the appropriate district court of appeal within the
22 time and in the manner prescribed by s. 924.051 and the
23 Florida Rules of Appellate Procedure by:

24 (a) Any child, and any parent or legal guardian or
25 custodian of any child.

26 (b) The state, which may appeal from:

27 1. An order dismissing a petition or any section
28 thereof;

29 2. An order granting a new adjudicatory hearing;

30 3. An order arresting judgment;

31 4. A ruling on a question of law when the child is

Bill No. HB 349, 2nd Eng.

Amendment No. ____

- 1 adjudicated delinquent and appeals from the judgment;
2 5. The disposition, on the ground that it is illegal;
3 6. A judgment discharging a child on habeas corpus;
4 7. An order adjudicating a child insane under the
5 Florida Rules of Juvenile Procedure; and
6 8. All other preadjudicatory hearings, except that the
7 state may not take more than one appeal under this subsection
8 in any case.

9
10 In the case of an appeal by the state, the notice of appeal
11 shall be filed by the appropriate state attorney or his or her
12 authorized assistant pursuant to the provisions of s. 27.18.
13 Such an appeal shall embody all assignments of error in each
14 preadjudicatory hearing order that the state seeks to have
15 reviewed. The state shall pay all costs of the appeal except
16 for the child's attorney's fee.

17 Section 32. Section 985.315, Florida Statutes, 1998
18 Supplement, is amended to read:

19 985.315 Educational/technical and vocational
20 work-related ~~work training~~ programs.--

21 (1)(a) It is the finding of the Legislature that the
22 educational/technical and vocational work-related ~~work~~
23 programs of the Department of Juvenile Justice are uniquely
24 different from other programs operated or conducted by other
25 departments in that it is essential to the state that these
26 ~~the work~~ programs provide juveniles with useful information
27 and activities that can lead to meaningful employment after
28 release in order to assist in reducing the return of juveniles
29 to the system.

30 (b) It is further the finding of the Legislature that
31 the mission of a juvenile educational/technical and vocational

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 work-related work program is, in order of priority:

2 1. To provide a joint effort between the department,
 3 the juvenile work programs, and educational/technical and
 4 ~~other~~ vocational training programs to reinforce relevant
 5 education, training, and postrelease job placement, and help
 6 reduce recommitment.

7 2. To serve the security goals of the state through
 8 the reduction of idleness of juveniles and the provision of an
 9 incentive for good behavior in residential commitment
 10 facilities.

11 3. To teach youth in juvenile justice programs
 12 relevant job skills and the fundamentals of a trade in order
 13 to prepare them for placement in the workforce.

14 (c) It is further the finding of the Legislature that
 15 a program which duplicates as closely as possible free-work
 16 production and service operations in order to aid juveniles in
 17 adjustment after release and to prepare juveniles for gainful
 18 employment is in the best interest of the state, juveniles,
 19 and the general public.

20 (2)(a) The department is strongly encouraged to ~~may~~
 21 require juveniles placed in a high-risk residential,
 22 maximum-risk residential, or a serious/habitual offender
 23 program to participate in an educational/technical or a
 24 vocational work-related work program 5 hours per day, 5 days
 25 per week. All policies developed by the department relating
 26 to this requirement must be consistent with applicable
 27 federal, state, and local labor laws and standards, including
 28 all laws relating to child labor.

29 (b) Nothing in this subsection is intended to restore,
 30 in whole or in part, the civil rights of any juvenile. No
 31 juvenile compensated under this subsection shall be considered

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 as an employee of the state or the department, nor shall such
2 juvenile come within any other provision of the Workers'
3 Compensation Law.

4 (3) In adopting or modifying master plans for juvenile
5 work programs and educational/technical and vocational
6 training programs, and in the administration of the Department
7 of Juvenile Justice, it shall be the objective of the
8 department to develop:

9 (a) Attitudes favorable to work, the work situation,
10 and a law-abiding life in each juvenile employed in the
11 juvenile work program.

12 (b) Education and training opportunities that are
13 reasonably broad, but which develop specific work skills.

14 (c) Programs that motivate juveniles to use their
15 abilities. ~~Juveniles who do not adjust to these programs shall~~
16 ~~be reassigned.~~

17 (d) Education and training programs that will be of
18 mutual benefit to all governmental jurisdictions of the state
19 by reducing the costs of government to the taxpayers and which
20 integrate all instructional programs into a unified curriculum
21 suitable for all juveniles, but taking account of the
22 different abilities of each juvenile.

23 (e) A logical sequence of educational/technical or
24 vocational training, employment by the juvenile ~~vocational~~
25 work programs, and postrelease job placement for juveniles
26 participating in juvenile work programs.

27 (4)(a) The Department of Juvenile Justice shall
28 establish guidelines for the operation of juvenile
29 educational/technical and vocational work-related work
30 programs, which shall include the following procedures:

31 1. Participation in the educational/technical and

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 vocational work-related programs shall be on a 5-day-per-week,
2 5-hour-per-day basis.

3 ~~2.1.~~ The education, training, work experience,
4 emotional and mental abilities, and physical capabilities of
5 the juvenile and the duration of the term of placement imposed
6 on the juvenile are to be analyzed before assignment of the
7 juvenile inmate into the various processes best suited for
8 educational/technical or vocational training.

9 ~~3.2.~~ When feasible, the department shall attempt to
10 obtain education or training credit for a juvenile seeking
11 apprenticeship status or a high school diploma or its
12 equivalent.

13 ~~4.3.~~ The juvenile may begin in a general education and
14 work skills program and progress to a specific work skills
15 training program, depending upon the ability, desire, and
16 education and work record of the juvenile.

17 ~~5.4.~~ Modernization and upgrading of equipment and
18 facilities should include greater automation and improved
19 production techniques to expose juveniles to the latest
20 technological procedures to facilitate their adjustment to
21 real work situations.

22 (b) Evaluations of juvenile educational/technical and
23 vocational work-related work programs shall be conducted
24 according to the following guidelines:

25 1. Systematic evaluations and quality assurance
26 monitoring shall be implemented, in accordance with ss.
27 985.401(4) and 985.412(1), to determine whether the ~~juvenile~~
28 ~~vocational work~~ programs are related to successful postrelease
29 adjustments.

30 2. Operations and policies of the work programs shall
31 be reevaluated to determine if they are consistent with their

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 primary objectives.

2 (c) The department shall seek the advice of private
3 labor and management to:

4 1. Assist its work programs in the development of
5 statewide policies aimed at innovation and organizational
6 change.

7 2. Obtain technical and practical assistance,
8 information, and guidance.

9 3. Encourage the cooperation and involvement of the
10 private sector.

11 4. Assist in the placement of youth into meaningful
12 jobs upon release from the residential program.

13 (d) The department and providers are strongly
14 encouraged to work in partnership with local businesses and
15 trade groups in the development and operation of
16 educational/technical and vocational programs.

17 (5)(a) The Department of Juvenile Justice may adopt
18 and put into effect an agricultural and industrial production
19 and marketing program to provide training facilities for
20 persons placed in serious/habitual offender, high-risk
21 residential, and maximum-risk residential programs and
22 facilities under the control and supervision of the
23 department. The emphasis of this program shall be to provide
24 juveniles with useful work experience and appropriate job
25 skills that will facilitate their reentry into society and
26 provide an economic benefit to the public and the department
27 through effective utilization of juveniles.

28 (b) The department is authorized to contract with the
29 private sector for substantial involvement in a juvenile
30 industry program which includes the operation of a direct
31 private sector business within a juvenile facility and the

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 hiring of juvenile workers. The purposes and objectives of
2 this program shall be to:

3 1. Increase benefits to the general public by
4 reimbursement to the state for a portion of the costs of
5 juvenile residential care.

6 2. Provide purposeful work for juveniles as a means of
7 reducing tensions caused by confinement.

8 3. Increase job skills.

9 4. Provide additional opportunities for rehabilitation
10 of juveniles who are otherwise ineligible to work outside the
11 facilities, such as maximum security juveniles.

12 5. Develop and establish new models for juvenile
13 facility-based businesses which create jobs approximating
14 conditions of private sector employment.

15 6. Draw upon the economic base of operations for
16 disposition to the Crimes Compensation Trust Fund.

17 7. Substantially involve the private sector with its
18 capital, management skills, and expertise in the design,
19 development, and operation of businesses.

20 (c) Notwithstanding any other law to the contrary,
21 including s. 440.15(9), private sector employers shall provide
22 juveniles participating in juvenile work programs under
23 paragraph (b) with workers' compensation coverage, and
24 juveniles shall be entitled to the benefits of such coverage.
25 Nothing in this subsection shall be construed to allow
26 juveniles to participate in unemployment compensation
27 benefits.

28 (6) The Juvenile Justice Accountability Board shall
29 conduct a study regarding the types of effective juvenile
30 vocational and work programs in operation across the country,
31 relevant research on what makes programs effective, the key

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 ingredients of effective juvenile vocational and work
 2 programs, and the status of such programs in juvenile
 3 facilities across the state. The board shall report its
 4 findings and make recommendations on how to expand and improve
 5 these programs no later than January 31, 2000, to the
 6 President of the Senate, the Speaker of the House of
 7 Representatives, and the Secretary of Juvenile Justice.

8 (7) The department, working with providers, shall
 9 inventory juvenile vocational and work training programs in
 10 use in commitment programs across the state. The inventory
 11 shall list the commitment program, the type of vocational or
 12 work program offered, the relevant job skills provided, and
 13 which programs work with the trades industry to place youth in
 14 jobs upon release.

15 Section 33. Paragraph (c) of subsection (4) of section
 16 985.201, Florida Statutes, is amended to read:

17 985.201 Jurisdiction.--

18 (4)

19 (c) The court may retain jurisdiction over a child and
 20 the child's parent or legal guardian whom the court has
 21 ordered to pay restitution until the restitution order is
 22 satisfied or until the court orders otherwise. If the court
 23 retains such jurisdiction after the date upon which the
 24 court's jurisdiction would cease under this section, it shall
 25 do so solely for the purpose of enforcing the restitution
 26 order. The terms of the restitution order are subject to the
 27 provisions of s. 775.089(5)~~s. 775.089(6)~~.

28 Section 34. Subsection (4) of section 985.21, Florida
 29 Statutes, 1998 Supplement, is amended to read:

30 985.21 Intake and case management.--

31 (4) The juvenile probation officer shall make a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 preliminary determination as to whether the report, affidavit,
2 or complaint is complete, consulting with the state attorney
3 as may be necessary. In any case where the juvenile probation
4 officer or the state attorney finds that the report,
5 affidavit, or complaint is insufficient by the standards for a
6 probable cause affidavit, the juvenile probation officer or
7 state attorney shall return the report, affidavit, or
8 complaint, without delay, to the person or agency originating
9 the report, affidavit, or complaint or having knowledge of the
10 facts or to the appropriate law enforcement agency having
11 investigative jurisdiction of the offense, and shall request,
12 and the person or agency shall promptly furnish, additional
13 information in order to comply with the standards for a
14 probable cause affidavit.

15 ~~(a) The juvenile probation officer, upon determining~~
16 ~~that the report, affidavit, or complaint is complete, may, in~~
17 ~~the case of a child who is alleged to have committed a~~
18 ~~delinquent act or violation of law, recommend that the state~~
19 ~~attorney file a petition of delinquency or an information or~~
20 ~~seek an indictment by the grand jury. However, such a~~
21 ~~recommendation is not a prerequisite for any action taken by~~
22 ~~the state attorney.~~

23 (a)~~(b)~~ The juvenile probation officer, upon
24 determining that the report, affidavit, or complaint is
25 complete, pursuant to uniform procedures established by the
26 department, shall:

27 1. When indicated by the preliminary screening,
28 provide for a comprehensive assessment of the child and family
29 for substance abuse problems, using community-based licensed
30 programs with clinical expertise and experience in the
31 assessment of substance abuse problems.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 2. When indicated by the preliminary screening,
 2 provide for a comprehensive assessment of the child and family
 3 for mental health problems, using community-based
 4 psychologists, psychiatrists, or other licensed mental health
 5 professionals with clinical expertise and experience in the
 6 assessment of mental health problems.

7
 8 When indicated by the comprehensive assessment, the department
 9 is authorized to contract within appropriated funds for
 10 services with a local nonprofit community mental health or
 11 substance abuse agency licensed or authorized under chapter
 12 394, or chapter 397, or other authorized nonprofit social
 13 service agency providing related services. The determination
 14 of mental health or substance abuse services shall be
 15 conducted in coordination with existing programs providing
 16 mental health or substance abuse services in conjunction with
 17 the intake office. Client information resulting from the
 18 screening and evaluation shall be documented pursuant to rules
 19 established by the department and shall serve to assist the
 20 juvenile probation officer in providing the most appropriate
 21 services and recommendations in the least intrusive manner.
 22 Such client information shall be used in the multidisciplinary
 23 assessment and classification of the child, but such
 24 information, and any information obtained directly or
 25 indirectly through the assessment process, is inadmissible in
 26 court prior to the disposition hearing, unless the child's
 27 written consent is obtained. At the disposition hearing,
 28 documented client information shall serve to assist the court
 29 in making the most appropriate custody, adjudicatory, and
 30 dispositional decision. If the screening and assessment
 31 indicate that the interest of the child and the public will be

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 best served thereby, the juvenile probation officer, with the
2 approval of the state attorney, may refer the child for care,
3 diagnostic and evaluation services, substance abuse treatment
4 services, mental health services, retardation services, a
5 diversionary or arbitration or mediation program, community
6 service work, or other programs or treatment services
7 voluntarily accepted by the child and the child's parents or
8 legal guardians. The victim, if any, and the law enforcement
9 agency which investigated the offense shall be notified
10 immediately by the state attorney of the action taken under
11 this paragraph. Whenever a child volunteers to participate in
12 any work program under this chapter or volunteers to work in a
13 specified state, county, municipal, or community service
14 organization supervised work program or to work for the
15 victim, the child shall be considered an employee of the state
16 for the purposes of liability. In determining the child's
17 average weekly wage, unless otherwise determined by a specific
18 funding program, all remuneration received from the employer
19 is considered a gratuity, and the child is not entitled to any
20 benefits otherwise payable under s. 440.15, regardless of
21 whether the child may be receiving wages and remuneration from
22 other employment with another employer and regardless of the
23 child's future wage-earning capacity.

24 (b)(c) The juvenile probation officer, upon
25 determining that the report, affidavit, or complaint complies
26 with the standards of a probable cause affidavit and that the
27 interest of the child and the public will be best served, may
28 recommend that a delinquency petition not be filed. If such a
29 recommendation is made, the juvenile probation officer shall
30 advise in writing the person or agency making the report,
31 affidavit, or complaint, the victim, if any, and the law

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 enforcement agency having investigative jurisdiction of the
2 offense of the recommendation and the reasons therefor; and
3 that the person or agency may submit, within 10 days after the
4 receipt of such notice, the report, affidavit, or complaint to
5 the state attorney for special review. The state attorney,
6 upon receiving a request for special review, shall consider
7 the facts presented by the report, affidavit, or complaint,
8 and by the juvenile probation officer who made the
9 recommendation that no petition be filed, before making a
10 final decision as to whether a petition or information should
11 or should not be filed.

12 (c)(d) Subject to the interagency agreement authorized
13 under this paragraph, the juvenile probation officer for each
14 case in which a child is alleged to have committed a violation
15 of law or delinquent act and is not detained ~~in all cases in~~
16 ~~which the child is alleged to have committed a violation of~~
17 ~~law or delinquent act and is not detained, the juvenile~~
18 ~~probation officer~~ shall submit a written report to the state
19 attorney, including the original report, complaint, or
20 affidavit, or a copy thereof, including a copy of the child's
21 prior juvenile record, within 20 days after the date the child
22 is taken into custody. In cases in which the child is in
23 detention, the intake office report must be submitted within
24 24 hours after the child is placed into detention. The intake
25 office report may include a recommendation ~~must recommend~~
26 ~~either~~ that a petition or information be filed or that no
27 petition or information be filed, and may ~~must~~ set forth
28 reasons for the recommendation. The State Attorney and the
29 Department of Juvenile Justice may, on a district-by-district
30 basis, enter into interagency agreements denoting the cases
31 that will require a recommendation and those for which a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 recommendation is unnecessary.

2 (d)(e) The state attorney may in all cases take action
3 independent of the action or lack of action of the juvenile
4 probation officer, and shall determine the action which is in
5 the best interest of the public and the child. If the child
6 meets the criteria requiring prosecution as an adult pursuant
7 to s. 985.226, the state attorney shall request the court to
8 transfer and certify the child for prosecution as an adult or
9 shall provide written reasons to the court for not making such
10 request. In all other cases, the state attorney may:

- 11 1. File a petition for dependency;
- 12 2. File a petition pursuant to chapter 984;
- 13 3. File a petition for delinquency;
- 14 4. File a petition for delinquency with a motion to
15 transfer and certify the child for prosecution as an adult;
- 16 5. File an information pursuant to s. 985.227;
- 17 6. Refer the case to a grand jury;
- 18 7. Refer the child to a diversionary, pretrial
19 intervention, arbitration, or mediation program, or to some
20 other treatment or care program if such program commitment is
21 voluntarily accepted by the child or the child's parents or
22 legal guardians; or
- 23 8. Decline to file.

24 (e)(f) In cases in which a delinquency report,
25 affidavit, or complaint is filed by a law enforcement agency
26 and the state attorney determines not to file a petition, the
27 state attorney shall advise the clerk of the circuit court in
28 writing that no petition will be filed thereon.

29 Section 35. Subsection (4) of section 985.225, Florida
30 Statutes, is amended to read:

31 985.225 Indictment of a juvenile.--

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (4)(a) Once a child has been indicted pursuant to this
2 subsection and has been found to have committed any offense
3 for which he or she was indicted as a part of the criminal
4 episode, the child shall be handled thereafter in every
5 respect as if an adult for any subsequent violation of state
6 law, unless the court imposes juvenile sanctions under s.
7 985.233.

8 (b) When a child has been indicted pursuant to this
9 subsection the court shall immediately transfer and certify to
10 the adult circuit court all felony cases pertaining to the
11 child, for prosecution of the child as an adult, which have
12 not yet resulted in a plea of guilty or nolo contendere or in
13 which a finding of guilt has not been made. If the child is
14 acquitted of all charged offenses or lesser included offenses
15 contained in the indictment case, all felony cases that were
16 transferred to adult court pursuant to this paragraph shall be
17 subject to the same penalties such cases were subject to
18 before being transferred to adult court.

19 Section 36. Subsection (6) of section 985.218, Florida
20 Statutes, 1998 Supplement, is repealed.

21 Section 37. Subsections (2) and (4) of section
22 985.226, Florida Statutes, 1998 Supplement, are amended to
23 read:

24 985.226 Criteria for waiver of juvenile court
25 jurisdiction; hearing on motion to transfer for prosecution as
26 an adult.--

27 (2) INVOLUNTARY WAIVER.--

28 (a) Discretionary ~~involuntary~~ waiver.--Except as
29 provided in paragraph (b), the state attorney may file a
30 motion requesting the court to transfer the child for criminal
31 prosecution if the child was 14 years of age or older at the

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 time the alleged delinquent act or violation of law was
2 committed.

3 (b) Mandatory waiver.--

4 1. If the child was 14 years of age or older, and if
5 the child has been previously adjudicated delinquent for an
6 act classified as a felony, which adjudication was for the
7 commission of, attempt to commit, or conspiracy to commit
8 murder, sexual battery, armed or strong-armed robbery,
9 carjacking, home-invasion robbery, aggravated battery, or
10 aggravated assault, or burglary with an assault or battery,
11 and the child is currently charged with a second or subsequent
12 violent crime against a person; or, the state attorney shall
13 file a motion requesting the court to transfer and certify the
14 juvenile for prosecution as an adult, or proceed pursuant to
15 s. 985.227(1).

16 2.(b) Mandatory involuntary waiver.--If the child was
17 14 years of age or older at the time of commission of a fourth
18 or subsequent alleged felony offense and the child was
19 previously adjudicated delinquent or had adjudication withheld
20 for or was found to have committed, or to have attempted or
21 conspired to commit, three offenses that are felony offenses
22 if committed by an adult, and one or more of such felony
23 offenses involved the use or possession of a firearm or
24 violence against a person;7

25
26 the state attorney shall request the court to transfer and
27 certify the child for prosecution as an adult or shall provide
28 written reasons to the court for not making such request, or
29 proceed pursuant to s. 985.227(1). Upon the state attorney's
30 request, the court shall either enter an order transferring
31 the case and certifying the case for trial as if the child

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 were an adult or provide written reasons for not issuing such
2 an order.

3 (4) EFFECT OF ORDER WAIVING JURISDICTION.--

4 ~~(a) If the court finds, after a waiver hearing under~~
5 ~~subsection (3), that a juvenile who was 14 years of age or~~
6 ~~older at the time the alleged violation of state law was~~
7 ~~committed should be charged and tried as an adult, the court~~
8 ~~shall enter an order transferring the case and certifying the~~
9 ~~case for trial as if the child were an adult. The child shall~~
10 ~~thereafter be subject to prosecution, trial, and sentencing as~~
11 ~~if the child were an adult but subject to the provisions of s.~~
12 ~~985.233. Once a child has been transferred for criminal~~
13 ~~prosecution pursuant to an involuntary waiver hearing and has~~
14 ~~been found to have committed the presenting offense or a~~
15 ~~lesser included offense, the child shall thereafter be handled~~
16 ~~in every respect as an adult for any subsequent violation of~~
17 ~~state law, unless the court imposes juvenile sanctions under~~
18 ~~s. 985.233.~~

19 (b) When a child is transferred for criminal
20 prosecution as an adult, the court shall immediately transfer
21 and certify to the adult circuit court all felony cases
22 pertaining to the child, for prosecution of the child as an
23 adult, which have not yet resulted in a plea of guilty or nolo
24 contendere or in which a finding of guilt has not been made.
25 If the child is acquitted of all charged offenses or lesser
26 included offenses contained in the original case transferred
27 to adult court, all felony cases that were transferred to
28 adult court pursuant to this paragraph shall be subject to the
29 same penalties such cases were subject to before being
30 transferred to adult court.

31 Section 38. Subsection (7) is added to section

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 985.228, Florida Statutes, to read:

2 985.228 Adjudicatory hearings; withheld adjudications;
3 orders of adjudication.--

4 (7) Notwithstanding any other provision of law, an
5 adjudication of delinquency for an offense classified as a
6 felony shall disqualify a person from lawfully possessing a
7 firearm until such person reaches 24 years of age.

8 Section 39. Subsections (1) and (2) of section 790.23,
9 Florida Statutes, 1998 Supplement, are amended to read:

10 790.23 Felons and delinquents; possession of firearms
11 or electric weapons or devices unlawful.--

12 (1) It is unlawful for any person to own or to have in
13 his or her care, custody, possession, or control any firearm
14 or electric weapon or device, or to carry a concealed weapon,
15 including a tear gas gun or chemical weapon or device, if that
16 person has been:

17 (a) ~~Convicted of a felony or found to have committed a~~
18 ~~delinquent act that would be a felony if committed by an adult~~
19 ~~in the courts of this state;~~

20 (b) Found, in the courts of this state, to have
21 committed a delinquent act that would be a felony if committed
22 by an adult and such person is under 24 years of age.

23 ~~(c)~~~~(b)~~ Convicted of or found to have committed a crime
24 against the United States which is designated as a felony;

25 ~~(d)~~~~(c)~~ Found to have committed a delinquent act in
26 another state, territory, or country that would be a felony if
27 committed by an adult and which was punishable by imprisonment
28 for a term exceeding 1 year and such person is under 24 years
29 of age; or

30 ~~(e)~~~~(d)~~ Found guilty of an offense that is a felony in
31 another state, territory, or country and which was punishable

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 by imprisonment for a term exceeding 1 year.

2 (2) This section shall not apply to a person convicted
3 of a felony whose civil rights and firearm authority have been
4 restored, ~~or to a person found to have committed a delinquent~~
5 ~~act that would be a felony if committed by an adult with~~
6 ~~respect to which the jurisdiction of the court pursuant to~~
7 ~~chapter 985 has expired.~~

8 Section 40. Section 985.313, Florida Statutes, is
9 amended to read:

10 985.313 Juvenile correctional facilities or juvenile
11 prison ~~Maximum-risk residential program.~~--A juvenile
12 correctional facility or juvenile prison ~~maximum-risk~~
13 ~~residential program~~ is a physically secure residential
14 commitment program with a designated length of stay from 18
15 months to 36 months, primarily serving children 13 years of
16 age to 19 years of age, or until the jurisdiction of the court
17 expires. The court may retain jurisdiction over the child
18 until the child reaches the age of 21, specifically for the
19 purpose of the child completing the program. Each child
20 committed to this level must meet one of the following
21 criteria:

22 (1) The youth is at least 13 years of age at the time
23 of the disposition for the current offense and has been
24 adjudicated on the current offense for:

- 25 (a) Arson;
- 26 (b) Sexual battery;
- 27 (c) Robbery;
- 28 (d) Kidnapping;
- 29 (e) Aggravated child abuse;
- 30 (f) Aggravated assault;
- 31 (g) Aggravated stalking;

Bill No. HB 349, 2nd Eng.

Amendment No. ____

- 1 (h) Murder;
- 2 (i) Manslaughter;
- 3 (j) Unlawful throwing, placing, or discharging of a
4 destructive device or bomb;
- 5 (k) Armed burglary;
- 6 (l) Aggravated battery;
- 7 (m) Carjacking;
- 8 (n) Home-invasion robbery;
- 9 (o) Burglary with an assault or battery;
- 10 (p)~~(m)~~ Lewd or lascivious assault or act in the
11 presence of a child; or
- 12 (q)~~(n)~~ Carrying, displaying, using, threatening to
13 use, or attempting to use a weapon or firearm during the
14 commission of a felony.
- 15 (2) The youth is at least 13 years of age at the time
16 of the disposition, the current offense is a felony, and the
17 child has previously been committed three or more times to a
18 delinquency commitment program.
- 19 (3) The youth is at least 13 years of age and is
20 currently committed for a felony offense and transferred from
21 a moderate-risk or high-risk residential commitment placement.
- 22 (4) The youth is at least 13 years of age at the time
23 of the disposition for the current offense, the youth is
24 eligible for prosecution as an adult for the current offense,
25 and the current offense is ranked at level 7 or higher on the
26 Criminal Punishment Code offense severity ranking chart
27 pursuant to s. 921.0022.
- 28 Section 41. Subsections (43) and (44) are added to
29 section 228.041, Florida Statutes, 1998 Supplement, to read:
- 30 228.041 Definitions.--Specific definitions shall be as
31 follows, and wherever such defined words or terms are used in

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the Florida School Code, they shall be used as follows:

2 (43) SCHOOL YEAR FOR JUVENILE JUSTICE PROGRAMS.--For
 3 schools operating for the purpose of providing educational
 4 services to youth in Department of Juvenile Justice programs,
 5 the school year shall be comprised of 250 days of instruction
 6 distributed over 12 months. A district school board may
 7 decrease the minimum number of days of instruction by up to 10
 8 days for teacher planning.

9 (44) JUVENILE JUSTICE PROVIDER.--"Juvenile justice
 10 provider" means the Department of Juvenile Justice or a
 11 private, public, or other governmental organization under
 12 contract with the Department of Juvenile Justice which
 13 provides treatment, care and custody, or educational programs
 14 for youth in juvenile justice intervention, detention, or
 15 commitment programs.

16 Section 42. Section 228.051, Florida Statutes, is
 17 amended to read:

18 228.051 Organization and funding of required public
 19 schools.--The public schools of the state shall provide 13
 20 consecutive years of instruction, beginning with kindergarten,
 21 and shall also provide such instruction for exceptional
 22 children and youth in Department of Juvenile Justice programs
 23 as may be required by law. The funds for support and
 24 maintenance of such schools shall be derived from state,
 25 district, federal, or other lawful sources or combinations of
 26 sources and shall include any tuition fees charged
 27 nonresidents as provided by law. Public schools,
 28 institutions, and agencies providing this instruction shall
 29 constitute the uniform system of free public schools
 30 prescribed by Art. IX of the State Constitution.

31 Section 43. Section 228.081, Florida Statutes, is

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 amended to read:

2 228.081 Other public educational services.--

3 (1) The general control of other public educational
4 services shall be vested in the state board except as provided
5 herein. The state board shall, at the request of the
6 Department of Children and Family Services and the Department
7 of Juvenile Justice, advise as to standards and requirements
8 relating to education to be met in all state schools or
9 institutions under their control which provide educational
10 programs. The Department of Education shall provide
11 supervisory services for the educational programs of all such
12 schools or institutions. The direct control of any of these
13 services provided as part of the district program of education
14 shall rest with the school board. These services shall be
15 supported out of state, district, federal, or other lawful
16 funds, depending on the requirements of the services being
17 supported.

18 (2) The Department of Education shall recommend and by
19 August 1, 1999, the state board shall adopt an administrative
20 rule articulating expectations for high-quality, effective
21 education programs for youth in Department of Juvenile Justice
22 programs, including, but not limited to, education programs in
23 juvenile justice commitment and detention facilities. The rule
24 shall articulate policies and standards for education programs
25 for youth in Department of Juvenile Justice programs and shall
26 include the following:

27 (a) The interagency collaborative process needed to
28 ensure effective programs with measurable results.

29 (b) The responsibilities of the Department of
30 Education, the Department of Juvenile Justice, school
31 districts, and providers of education services to youth in

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 Department of Juvenile Justice programs.

2 (c) Academic expectations.

3 (d) Service delivery options available to school
4 districts, including direct service and contracting.

5 (e) Assessment procedures, which:

6 1. Include appropriate academic and vocational
7 assessments administered at program entry and exit which are
8 selected by the Department of Education in partnership with
9 representatives from the Department of Juvenile Justice,
10 school districts, and providers.

11 2. Require school districts to be responsible for
12 ensuring the completion of the assessment process.

13 3. Require assessments for students in detention who
14 will move on to commitment facilities, to be designed to
15 create the foundation for developing the student's education
16 program in the assigned commitment facility.

17 4. Require assessments of students sent directly to
18 commitment facilities to be completed within the first week of
19 the student's commitment.

20
21 The results of these assessments, together with a portfolio
22 depicting the student's academic and vocational
23 accomplishments, shall be included in the discharge package
24 assembled for each youth.

25 (f) Recommended instructional programs including, but
26 not limited to, vocational training and job preparation.

27 (g) Funding requirements, which shall include the
28 requirement that at least 80 percent of the FEFP funds
29 generated by students in Department of Juvenile Justice
30 Programs be spent on instructional costs for those students.
31 One hundred percent of the formula-based categorial funds

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 generated by students in Department of Juvenile Justice
2 Programs must be spent on appropriate categoricals such as
3 instructional materials and public school technology for those
4 students.

5 (h) Qualifications of instructional staff, procedures
6 for the selection of instructional staff, and procedures to
7 ensure consistent instruction and qualified staff year round.

8 (i) Transition services, including the roles and
9 responsibilities of appropriate personnel in school districts,
10 provider organizations, and the Department of Juvenile
11 Justice.

12 (j) Procedures and timeframe for transfer of education
13 records when a youth enters and leaves a facility.

14 (k) The requirement that each school district maintain
15 an academic transcript for each student enrolled in a juvenile
16 justice facility which delineates each course completed by the
17 student as provided by the State Course Code Directory.

18 (l) The requirement that each school district make
19 available and transmit a copy of a student's transcript in the
20 discharge packet when the student exits a facility.

21 (m) Contract requirements.

22 (n) Performance expectations for providers and school
23 districts, including the provision of academic improvement
24 plan as required in s. 232.245.

25 (o) The role and responsibility of the school district
26 in securing workforce development funds.

27 (p) A series of graduated sanctions for school
28 districts whose educational programs in Department of Juvenile
29 Justice facilities are considered to be unsatisfactory and for
30 instances in which school districts fail to meet standards
31 prescribed by law, rule, or State Board of Education policy.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 These sanctions shall include the option of requiring a school
2 district to contract with a provider or another school
3 district if the educational program at the Department of
4 Juvenile Justice facility has failed a quality assurance
5 review and after 6 months, is still performing below minimum
6 standards.

7 (q) Other aspects of program operations.

8 (3) By January 1, 2000, the Department of Education in
9 partnership with the Department of Juvenile Justice, school
10 districts, and providers shall:

11 (a) Develop model contracts for the delivery of
12 appropriate education services to youth in Department of
13 Juvenile Justice programs to be used for the development of
14 future contracts. The model contracts shall reflect the policy
15 and standards included in subsection (2). The Department of
16 Education shall ensure that appropriate school district
17 personnel are trained and held accountable for the management
18 and monitoring of contracts for education programs for youth
19 in juvenile justice residential and nonresidential facilities.

20 (b) Develop model procedures for transitioning youth
21 into and out of Department of Juvenile Justice programs. These
22 procedures shall reflect the policy and standards adopted
23 pursuant to subsection (2).

24 (c) Develop standardized required content of education
25 records to be included as part of a youth's commitment record.
26 These requirements shall reflect the policy and standards
27 adopted pursuant to subsection (2) and shall include, but not
28 be limited to, the following:

29 1. A copy of the student's individualized education
30 plan;

31 2. Assessment data, including grade level proficiency

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 in reading, writing, and mathematics, and performance on tests
2 taken according to s. 229.57;

3 3. A copy of the student's permanent cumulative
4 record; and

5 4. A copy of the student's academic transcript.

6 5. A portfolio reflecting the youth's academic
7 accomplishments while in the Department of Juvenile Justice
8 program.

9 (d) Develop model procedures for securing the
10 education record and the roles and responsibilities of the
11 juvenile probation officer and others involved in the
12 withdrawal of the student from school and assignment to a
13 commitment or detention facility. Effective for the 2000-2001
14 school year and thereafter, school districts shall be required
15 to respond to requests for student education records received
16 from another school district or a juvenile justice facility
17 within 5 working days of receiving the request.

18 (4) The Department of Education shall ensure that
19 school districts notify students in juvenile justice
20 residential or nonresidential facilities who attain the age of
21 16 years of the provisions of s. 232.01(1)(c) regarding
22 compulsory school attendance and make available the option of
23 enrolling in a program to attain a general education
24 development diploma prior to release from the facility. School
25 districts or community colleges, or both, shall waive GED
26 testing fees for youth in Department of Juvenile Justice
27 residential programs and shall, upon request, designate
28 schools operating for the purpose of providing educational
29 services to youth in Department of Juvenile Justice programs
30 as GED testing centers, subject to GED testing center
31 requirements.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (5) The Department of Education shall establish and
 2 operate, either directly or indirectly through a contract, a
 3 mechanism to provide quality assurance reviews of all juvenile
 4 justice education programs and shall provide technical
 5 assistance and related research to school districts and
 6 providers on how to establish, develop, and operate
 7 educational programs that exceed the minimum quality assurance
 8 standards.

9 Section 44. Subsection (3) of section 229.57, Florida
 10 Statutes, 1998 Supplement, is amended to read.

11 229.57 Student assessment program.--

12 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner is
 13 directed to design and implement a statewide program of
 14 educational assessment that provides information for the
 15 improvement of the operation and management of the public
 16 schools including schools operating for the purpose of
 17 providing educational services to youth in Department of
 18 Juvenile Justice programs. The program must be designed, as
 19 far as possible, so as not to conflict with ongoing district
 20 assessment programs and so as to use information obtained from
 21 district programs. Pursuant to the statewide assessment
 22 program, the commissioner shall:

23 (a) Submit to the state board a list that specifies
 24 student skills and competencies to which the goals for
 25 education specified in the state plan apply, including, but
 26 not limited to, reading, writing, and mathematics. The skills
 27 and competencies must include problem-solving and higher-order
 28 skills as appropriate. The commissioner shall select such
 29 skills and competencies after receiving recommendations from
 30 educators, citizens, and members of the business community.
 31 The commissioner shall submit to the state board revisions to

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the list of student skills and competencies in order to
2 maintain continuous progress toward improvements in student
3 proficiency.

4 (b) Develop and implement a uniform system of
5 indicators to describe the performance of public school
6 students and the characteristics of the public school
7 districts and the public schools. These indicators must
8 include, without limitation, information gathered by the
9 comprehensive management information system created pursuant
10 to s. 229.555 and student achievement information obtained
11 pursuant to this section.

12 (c) Develop and implement a student achievement
13 testing program as part of the statewide assessment program,
14 to be administered at designated times at the elementary,
15 middle, and high school levels to measure reading, writing,
16 and mathematics. The testing program must be designed so
17 that:

18 1. The tests measure student skills and competencies
19 adopted by the state board as specified in paragraph (a). The
20 tests must measure and report student proficiency levels in
21 reading, writing, and mathematics. Other content areas may be
22 included as directed by the commissioner. The commissioner
23 shall provide for the tests to be developed or obtained, as
24 appropriate, through contracts and project agreements with
25 private vendors, public vendors, public agencies,
26 postsecondary institutions, or school districts. The
27 commissioner shall obtain input with respect to the design and
28 implementation of the testing program from state educators and
29 the public.

30 2. The tests are criterion-referenced and include, to
31 the extent determined by the commissioner, items that require

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the student to produce information or perform tasks in such a
2 way that the skills and competencies he or she uses can be
3 measured.

4 3. Each testing program, whether at the elementary,
5 middle, or high school level, includes a test of writing in
6 which students are required to produce writings which are then
7 scored by appropriate methods.

8 4. A score is designated for each subject area tested,
9 below which score a student's performance is deemed
10 inadequate. The school districts shall provide appropriate
11 remedial instruction to students who score below these levels.

12 5. All 11th grade students take a high school
13 competency test developed by the state board to test minimum
14 student performance skills and competencies in reading,
15 writing, and mathematics. The test must be based on the skills
16 and competencies adopted by the state board pursuant to
17 paragraph (a). Upon recommendation of the commissioner, the
18 state board shall designate a passing score for each part of
19 the high school competency test. In establishing passing
20 scores, the state board shall consider any possible negative
21 impact of the test on minority students. The commissioner may
22 establish criteria whereby a student who successfully
23 demonstrates proficiency in either reading or mathematics or
24 both may be exempted from taking the corresponding section of
25 the high school competency test or the college placement test.
26 A student must earn a passing score or have been exempted from
27 each part of the high school competency test in order to
28 qualify for a regular high school diploma. The school
29 districts shall provide appropriate remedial instruction to
30 students who do not pass part of the competency test.

31 6. Participation in the testing program is mandatory

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 for all students, including students served in Department of
2 Juvenile Justice programs, except as otherwise prescribed by
3 the commissioner. The commissioner shall recommend rules to
4 the state board for the provision of test adaptations and
5 modifications of procedures as necessary for students in
6 exceptional education programs and for students who have
7 limited English proficiency.

8 7. A student seeking an adult high school diploma must
9 meet the same testing requirements that a regular high school
10 student must meet.

11 8. By January 1, 2000, the Department of Education
12 must develop, or select, and implement a common battery of
13 assessment tools which will be used in all juvenile justice
14 programs in the state. These tools must accurately reflect
15 criteria established in the Florida Sunshine State Standards.

16
17 The commissioner may design and implement student testing
18 programs for any grade level and subject area, based on
19 procedures designated by the commissioner to monitor
20 educational achievement in the state.

21 (d) Obtain or develop a career planning assessment to
22 be administered to students, at their option, in grades 7 and
23 10 to assist them in preparing for further education or
24 entering the workforce. The statewide student assessment
25 program must include career planning assessment.

26 (e) Conduct ongoing research to develop improved
27 methods of assessing student performance, including, without
28 limitation, the use of technology to administer tests, the use
29 of electronic transfer of data, the development of
30 work-product assessments, and the development of process
31 assessments.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (f) Conduct ongoing research and analysis of student
2 achievement data, including, without limitation, monitoring
3 trends in student achievement, identifying school programs
4 that are successful, and analyzing correlates of school
5 achievement.

6 (g) Provide technical assistance to school districts
7 in the implementation of state and district testing programs
8 and the use of the data produced pursuant to such programs.

9 Section 45. Paragraph (c) is added to subsection (1)
10 of section 229.58, Florida Statutes, 1998 Supplement, to read:

11 229.58 District and school advisory councils.--

12 (1) ESTABLISHMENT.--

13 (c) For those schools operating for the purpose of
14 providing educational services to youth in Department of
15 Juvenile Justice programs, school boards may establish a
16 district advisory council with appropriate representatives for
17 the purpose of developing and monitoring a district school
18 improvement plan which encompasses all such schools in the
19 district, pursuant to s. 230.23(16)(a).

20 Section 46. Subsections (1), (3), and (4) of section
21 229.592, Florida Statutes, 1998 Supplement, are amended to
22 read:

23 229.592 Implementation of state system of school
24 improvement and education accountability.--

25 (1) DEVELOPMENT.--It is the intent of the Legislature
26 that every public school in the state, including schools
27 operating for the purpose of providing educational services to
28 youth in Department of Juvenile Justice programs, shall have a
29 school improvement plan, as required by s. 230.23(16), ~~fully~~
30 ~~implemented and operational by the beginning of the 1993-1994~~
31 ~~school year.~~ Vocational standards considered pursuant to s.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 239.229 shall be incorporated into the school improvement plan
2 for each area technical center operated by a school board by
3 the 1994-1995 school year, and area technical centers shall
4 prepare school report cards incorporating such standards,
5 pursuant to s. 230.23(16), for the 1995-1996 school year. In
6 order to accomplish this, the Florida Commission on Education
7 Reform and Accountability and the school districts and schools
8 shall carry out the duties assigned to them by ss. 229.594 and
9 230.23(16), respectively.

10 (3) COMMISSIONER.--The commissioner shall be
11 responsible for implementing and maintaining a system of
12 intensive school improvement and stringent education
13 accountability.

14 (a) Based on the recommendations of the Florida
15 Commission on Education Reform and Accountability, the
16 commissioner shall develop and implement the following
17 programs and procedures:

18 1. A system of data collection and analysis that will
19 improve information about the educational success of
20 individual students and schools, including schools operating
21 for the purpose of providing educational services to youth in
22 Department of Juvenile Justice programs. The information and
23 analyses must be capable of identifying educational programs
24 or activities in need of improvement, and reports prepared
25 pursuant to this subparagraph shall be distributed to the
26 appropriate school boards prior to distribution to the general
27 public. This provision shall not preclude access to public
28 records as provided in chapter 119.

29 2. A program of school improvement that will analyze
30 information to identify schools, including schools operating
31 for the purpose of providing educational services to youth in

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 Department of Juvenile Justice programs, educational programs,
2 or educational activities in need of improvement.

3 3. A method of delivering services to assist school
4 districts and schools to improve, including schools operating
5 for the purpose of providing educational services to youth in
6 Department of Juvenile Justice programs.

7 4. A method of coordinating with the state educational
8 goals and school improvement plans any other state program
9 that creates incentives for school improvement.

10 (b) The commissioner shall be held responsible for the
11 implementation and maintenance of the system of school
12 improvement and education accountability outlined in this
13 subsection. There shall be an annual determination of whether
14 adequate progress is being made toward implementing and
15 maintaining a system of school improvement and education
16 accountability.

17 (c) The annual feedback report shall be developed by
18 the commission and the Department of Education.

19 (d) The commissioner and the commission shall review
20 each school board's feedback report and submit its findings to
21 the State Board of Education. If adequate progress is not
22 being made toward implementing and maintaining a system of
23 school improvement and education accountability, the State
24 Board of Education shall direct the commissioner to prepare
25 and implement a corrective action plan. The commissioner and
26 State Board of Education shall monitor the development and
27 implementation of the corrective action plan.

28 (e) As co-chair of the Florida Commission on Education
29 Reform and Accountability, the commissioner shall appear
30 before the appropriate committees of the Legislature annually
31 in October to report and recommend changes in state policy

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 necessary to foster school improvement and education
2 accountability. The report shall reflect the recommendations
3 of the Florida Commission on Education Reform and
4 Accountability. Included in the report shall be a list of the
5 schools, including schools operating for the purpose of
6 providing educational services to youth in Department of
7 Juvenile Justice programs, for which school boards have
8 developed assistance and intervention plans and an analysis of
9 the various strategies used by the school boards. School
10 reports shall be distributed pursuant to this paragraph and s.
11 230.23(16)(e) according to guidelines adopted by the State
12 Board of Education.

13 (4) DEPARTMENT.--

14 (a) The Department of Education shall implement a
15 training program to develop among state and district educators
16 a cadre of facilitators of school improvement. These
17 facilitators shall assist schools and districts to conduct
18 needs assessments and develop and implement school improvement
19 plans to meet state goals.

20 (b) Upon request, the department shall provide
21 technical assistance and training to any school, including any
22 school operating for the purpose of providing educational
23 services to youth in Department of Juvenile Justice programs,
24 school advisory council, district, or school board for
25 conducting needs assessments, developing and implementing
26 school improvement plans, developing and implementing
27 assistance and intervention plans, or implementing other
28 components of school improvement and accountability. Priority
29 for these services shall be given to school districts in rural
30 and sparsely populated areas of the state.

31 (c) Pursuant to s. 24.121(5)(d), the department shall

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 not release funds from the Educational Enhancement Trust Fund
 2 to any district in which a school, including schools operating
 3 for the purpose of providing educational services to youth in
 4 Department of Juvenile Justice programs, does not have an
 5 approved school improvement plan, pursuant to s. 230.23(16),
 6 after 1 full school year of planning and development, or does
 7 not comply with school advisory council membership composition
 8 requirements pursuant to s. 229.58(1). The department shall
 9 send a technical assistance team to each school without an
 10 approved plan to develop such school improvement plan or to
 11 each school without appropriate school advisory council
 12 membership composition to develop a strategy for corrective
 13 action. The department shall release the funds upon approval
 14 of the plan or upon establishment of a plan of corrective
 15 action. Notice shall be given to the public of the
 16 department's intervention and shall identify each school
 17 without a plan or without appropriate school advisory council
 18 membership composition.

19 Section 47. Paragraphs (a) and (e) of subsection (16)
 20 of section 230.23, Florida Statutes, 1998 Supplement, are
 21 amended to read:

22 230.23 Powers and duties of school board.--The school
 23 board, acting as a board, shall exercise all powers and
 24 perform all duties listed below:

25 (16) IMPLEMENT SCHOOL IMPROVEMENT AND
 26 ACCOUNTABILITY.--Maintain a system of school improvement and
 27 education accountability as provided by statute and State
 28 Board of Education rule. This system of school improvement and
 29 education accountability shall be consistent with, and
 30 implemented through, the district's continuing system of
 31 planning and budgeting required by this section and ss.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 229.555 and 237.041. This system of school improvement and
2 education accountability shall include, but not be limited to,
3 the following:

4 (a) School improvement plans.--Annually approve and
5 require implementation of a new, amended, or continuation
6 school improvement plan for each school in the district,
7 except that a school board may establish a district school
8 improvement plan which includes all schools in the district
9 operating for the purpose of providing educational services to
10 youth in Department of Juvenile Justice programs. Such plan
11 shall be designed to achieve the state education goals and
12 student performance standards pursuant to ss. 229.591(3) and
13 229.592. Beginning in 1999-2000, each plan shall also address
14 issues relative to budget, training, instructional materials,
15 technology, staffing, student support services, and other
16 matters of resource allocation, as determined by school board
17 policy.

18 (e) Public disclosure.--Provide information regarding
19 performance of students and educational programs as required
20 pursuant to s. 229.555 and implement a system of school
21 reports as required by statute and State Board of Education
22 rule which shall include schools operating for the purpose of
23 providing educational services to youth in Department of
24 Juvenile Justice programs, and for those schools, report on
25 the elements specified in s. 230.23161(21).

26 Section 48. Section 230.23161, Florida Statutes, 1998
27 Supplement, is amended to read.

28 230.23161 Educational services in Department of
29 Juvenile Justice programs.--

30 (1) The Legislature finds that education is the single
31 most important factor in the rehabilitation of adjudicated

Bill No. HB 349, 2nd Eng.

Amendment No.

1 delinquent youth in the custody of the Department of Juvenile
2 Justice in detention or commitment facilities. The Department
3 of Education shall serve as the lead agency for juvenile
4 justice education programs to ensure that curriculum, support
5 services, and resources are provided to maximize the public's
6 investment in the custody and care of these youth. To this
7 end, the Department of Education and the Department of
8 Juvenile Justice shall each designate a Coordinator for
9 Juvenile Justice Education Programs to serve as the point of
10 contact for resolving issues not addressed by local district
11 school boards and to ensure each department's participation in
12 the following activities:

13 (a) Training, collaborating, and coordinating with the
14 Department of Juvenile Justice, local school districts,
15 educational contract providers, and juvenile justice
16 providers, whether state operated or contracted.

17 (b) Collecting information on the academic performance
18 of students in juvenile justice commitment and detention
19 programs and reporting on the results.

20 (c) Developing protocols that provide guidance to
21 school districts and providers in all aspects of education
22 programming, including records transfer and transition.

23 (d) Prescribing the roles of program personnel.

24 (2)(1) The Legislature finds that juvenile assessment
25 centers are an important source of information about youth who
26 are entering the juvenile justice system. Juvenile assessment
27 centers document the condition of youth entering the system,
28 thereby providing baseline data which is essential to evaluate
29 changes in the condition of youth as a result of treatment.
30 The cooperation and involvement of the local school system,
31 including the commitment of appropriate resources for

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 determining the educational status and special learning
2 problems and needs of youth, are essential if the full
3 potential benefits of juvenile assessment centers are to be
4 achieved.

5 (3)~~(2)~~ Students participating in a detention,
6 commitment, or rehabilitation program pursuant to chapter 985
7 which is sponsored by a community-based agency or is operated
8 or contracted for by the Department of Juvenile Justice shall
9 receive educational programs according to rules of the State
10 Board of Education. These students shall be eligible for
11 services afforded to students enrolled in programs pursuant to
12 s. 230.2316 and all corresponding State Board of Education
13 rules.

14 (4)~~(3)~~ The district school board of the county in
15 which the residential or nonresidential care facility or
16 juvenile assessment facility is located shall provide
17 appropriate educational assessments and an appropriate program
18 of instruction and special education services. The district
19 school board shall make provisions for each student to
20 participate in basic, vocational, and exceptional student
21 programs as appropriate. Students served in Department of
22 Juvenile Justice programs shall have access to the appropriate
23 courses and instruction to prepare them for the GED test.
24 Students participating in GED preparation programs shall be
25 funded at the basic program cost factor for Department of
26 Juvenile Justice programs in the Florida Education Finance
27 Program.Each program shall be conducted according to
28 applicable law providing for the operation of public schools
29 and rules of the state board.

30 (5)~~(4)~~ A school day for any student serviced in a
31 Department of Juvenile Justice program shall be the same as

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 specified in s. 228.041(13). Educational services shall be
2 provided at times of the day most appropriate for the program.
3 School programming in juvenile justice detention, commitment,
4 and rehabilitation programs shall be made available during the
5 regular school year and the summer school by the local school
6 district.

7 (6)~~(5)~~ The educational program shall consist of
8 appropriate basic academic, vocational, or exceptional
9 curricula and related services which support the treatment
10 goals and reentry and which may lead to completion of the
11 requirements for receipt of a high school diploma or its
12 equivalent. If the duration of a program is less than 40
13 days, the educational component may be limited to tutorial
14 activities and vocational employability skills.

15 (7)~~(6)~~ Participation in the program by students of
16 compulsory school attendance age as provided for in s. 232.01
17 shall be mandatory. All students of noncompulsory
18 school-attendance age who have not received a high school
19 diploma or its equivalent shall participate in the educational
20 program, unless the student files a formal declaration of his
21 or her intent to terminate school enrollment as described in
22 s. 232.01(1)(c) and is afforded the opportunity to attain a
23 general education development diploma prior to release from a
24 facility.

25 (8) An academic improvement plan shall be developed
26 for students who score below the level specified in local
27 school board policy in reading, writing, and mathematics or
28 below the level specified by the Commissioner of Education on
29 statewide assessments as required by s. 232.245. These plans
30 shall address academic, literacy, and life skills and shall
31 include provisions for intensive remedial instruction in the

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 areas of weakness.

2 (9) Each school district shall maintain an academic
3 record for each student enrolled in a juvenile justice
4 facility as prescribed by s. 228.081. Such record shall
5 delineate each course completed by the student according to
6 procedures in the State Course Code Directory. The school
7 district shall include a copy of a student's academic record
8 in the discharge packet when the student exits the facility.

9 (10) The Department of Education shall ensure that all
10 school districts make provisions for high school level
11 committed youth to earn credits toward high school graduation
12 while in residential and nonresidential juvenile justice
13 facilities. Provisions must be made for the transfer of
14 credits and partial credits earned.

15 (11)(7) The school district shall recruit and train
16 teachers who are interested, qualified, or experienced in
17 educating students in juvenile justice programs. Students in
18 juvenile justice programs shall be provided a wide range of
19 educational programs and opportunities including textbooks,
20 technology, instructional support, and other resources
21 available to students in public schools. Teachers assigned to
22 educational programs in juvenile justice settings in which the
23 school district operates the educational program shall be
24 selected by the school district in consultation with the
25 director of the juvenile justice facility. Educational
26 programs in juvenile justice facilities shall have access to
27 the substitute teacher pool utilized by the school district.

28 (12)(8) School districts are authorized and strongly
29 encouraged to contract with a private provider for the
30 provision of educational programs to youths placed with the
31 Department of Juvenile Justice and shall generate local,

Bill No. HB 349, 2nd Eng.

Amendment No.

1 state, and federal funding, including funding through the
2 Florida Education Finance Program for such students. The
3 school district's planning and budgeting process shall include
4 the needs of Department of Juvenile Justice programs in the
5 district's plan for expenditures for state categorical and
6 federal funds.

7 (13)(9) The local school district shall fund the
8 education program in a Department of Juvenile Justice facility
9 at the same or higher level of funding for equivalent students
10 in the county school system based on the funds generated by
11 state funding through the Florida Education Finance Program
12 for such students. It is the intent of the Legislature that
13 the school district maximize its available local, state, and
14 federal funding to a juvenile justice program.

15 (a) Juvenile justice education programs shall be
16 funded in the appropriate FEFP program based on the
17 educational services needed by the student for Department of
18 Juvenile Justice programs in accordance with s. 236.081.

19 (b) Juvenile justice education programs to receive the
20 appropriate FEFP program funding for Department of Juvenile
21 Justice programs shall include those operated through a
22 contract with the Department of Juvenile Justice and which are
23 under purview of the Department of Juvenile Justice quality
24 assurance standards for education.

25 (c) Consistent with the rules of the State Board of
26 Education, local school districts are authorized and required
27 to request an alternative FTE survey for Department of
28 Juvenile Justice programs experiencing fluctuations in student
29 enrollment.

30 (d) FTE count periods shall be prescribed in rules of
31 the State Board of Education. The summer school period for

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 students in Department of Juvenile Justice programs shall
 2 begin on the day immediately following the end of the regular
 3 school year and end on the day immediately preceding the
 4 subsequent regular school year. Students shall be funded for
 5 no more than 25 hours per week of direct instruction. The
 6 Department of Education shall develop a method which captures
 7 all direct instructional time provided to such students during
 8 the summer school period.

9 ~~(14)~~(10) Each school district shall negotiate a
 10 cooperative agreement with the Department of Juvenile Justice
 11 on the delivery of educational services to youths under the
 12 jurisdiction of the department. Such agreement must include,
 13 but is not limited to:

14 (a) Roles and responsibilities of each agency,
 15 including the roles and responsibilities of contract
 16 providers.

17 (b) Administrative issues including procedures for
 18 sharing information.

19 (c) Allocation of resources including maximization of
 20 local, state, and federal funding.

21 (d) Procedures for educational evaluation for
 22 educational exceptionalities and special needs.

23 (e) Curriculum and delivery of instruction.

24 (f) Classroom management procedures and attendance
 25 policies.

26 (g) Procedures for provision of qualified
 27 instructional personnel, whether supplied by the school
 28 district or provided under contract by the provider, and for
 29 performance of duties while in a juvenile justice setting.

30 (h) Provisions for improving skills in teaching and
 31 working with juvenile delinquents.

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (i) Transition plans for students moving into and out
2 of juvenile facilities.

3 (j) Procedures and timelines for the timely
4 documentation of credits earned and transfer of student
5 records.

6 (k) Methods and procedures for dispute resolution.

7 (l) Provisions for ensuring the safety of education
8 personnel and support for the agreed-upon education program.

9 (m) Strategies for correcting any deficiencies found
10 through the quality assurance process.

11 ~~(15)(11)~~ The cooperative agreement pursuant to
12 subsection ~~(14)(10)~~ does not preclude the development of an
13 operating agreement or contract between the school district
14 and the provider for each juvenile justice program in the
15 school district where educational programs are to be provided.
16 Any of the matters which must be included in the agreement
17 pursuant to subsection ~~(14)(10)~~ may be defined in the
18 operational agreements or operating contracts rather than in
19 the cooperative agreement if agreed to by the Department of
20 Juvenile Justice. Nothing in this section or in a cooperative
21 agreement shall be construed to require the school board to
22 provide more services than can be supported by the funds
23 generated by students in the juvenile justice programs.

24 ~~(16)(a)(12)~~ The Department of Education in
25 consultation with the Department of Juvenile Justice, school
26 districts and providers shall establish objective and
27 measurable quality assurance standards for the educational
28 component of residential and nonresidential juvenile justice
29 facilities. These standards shall rate the school district's
30 performance both as a provider and contractor. The quality
31 assurance rating for the education component shall be

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 disaggregated from the overall quality assurance score and
2 reported separately.

3 (b) The Department of Education shall develop and a
4 comprehensive quality assurance review process and schedule
5 for the evaluation of the educational component in juvenile
6 justice programs. The Department of Juvenile Justice quality
7 assurance site visit and the education quality assurance site
8 visit shall be conducted during the same visit.

9 (c) The Department of Education, in consultation with
10 school districts and providers, shall establish minimum
11 thresholds for the standards and key indicators for education
12 programs in juvenile justice facilities. If a school district
13 fails to meet the established minimum standards, the district
14 will be given 6 months to achieve compliance with the
15 standards. If after 6 months, the school district's
16 performance is still below minimum standards, the Department
17 of Education shall exercise sanctions as prescribed by rules
18 adopted by the State Board of Education. If a provider, under
19 contract with the school district, fails to meet minimum
20 standards, such failure shall cause the school district to
21 cancel the provider's contract unless the provider achieves
22 compliance within 6 months or unless there are documented
23 extenuating circumstances.

24 (17)(13) The district school board shall not be
25 charged any rent, maintenance, utilities, or overhead on such
26 facilities. Maintenance, repairs, and remodeling of existing
27 facilities shall be provided by the Department of Juvenile
28 Justice.

29 (18)(14) When additional facilities are required, the
30 district school board and the Department of Juvenile Justice
31 shall agree on the appropriate site based on the instructional

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 needs of the students. When the most appropriate site for
2 instruction is on district school board property, a special
3 capital outlay request shall be made by the commissioner in
4 accordance with s. 235.41. When the most appropriate site is
5 on state property, state capital outlay funds shall be
6 requested by the Department of Juvenile Justice provided by s.
7 216.043 and shall be submitted as specified by s. 216.023.
8 Any instructional facility to be built on state property shall
9 have educational specifications jointly developed by the
10 school district and the Department of Juvenile Justice and
11 approved by the Department of Education. The size of space
12 and occupant design capacity criteria as provided by state
13 board rules shall be used for remodeling or new construction
14 whether facilities are provided on state property or district
15 school board property.

16 (19)~~(15)~~ The parent or guardian of exceptional
17 students shall have the due process rights provided for in
18 chapter 232.

19 (20)~~(16)~~ Department of Juvenile Justice detention and
20 commitment programs may be designated as second chance schools
21 pursuant to s. 230.2316(3)(d). Admission to such programs
22 shall be governed by chapter 985.

23 (21)~~(17)~~ The Department of Education and Department of
24 Juvenile Justice, after consultation with and assistance from
25 local providers and local school districts, shall report
26 annually to the Legislature by February ~~December~~ 1 on the
27 progress towards developing effective educational programs for
28 juvenile delinquents including the amount of funding provided
29 by local school districts to juvenile justice programs, the
30 amount retained for administration including documenting the
31 purposes for such expenses, the status of the development of

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 cooperative agreements, ~~and~~ the results of the quality
 2 assurance reviews including recommendations for system
 3 improvement, and information on the identification of, and
 4 services provided to, exceptional students in juvenile justice
 5 commitment facilities to determine whether these students are
 6 properly reported for funding and are appropriately served.

7 (22)~~(18)~~ The educational programs at the Arthur Dozier
 8 School for Boys in Jackson County and the Florida School for
 9 Boys in Okeechobee shall be operated by the Department of
 10 Education, either directly or through grants or contractual
 11 agreements with other public or duly accredited education
 12 agencies approved by the Department of Education.

13 (23)~~(19)~~ The Department of Education shall have the
 14 authority to adopt any rules necessary to implement the
 15 provisions of this section, including uniform curriculum,
 16 funding, and second chance schools. Such rules shall require
 17 the minimum amount of paperwork and reporting necessary to
 18 comply with this act.

19 Section 49. Section 235.1975, Florida Statutes, is
 20 created to read:

21 235.1975 Cooperative Development of Educational
 22 Facilities in Juvenile Justice Programs.--

23 (1) The Department of Management Services, in
 24 consultation with the Department of Education and the
 25 Department of Juvenile Justice, shall conduct a review and
 26 analysis of existing education facilities in Department of
 27 Juvenile Justice facilities to determine the adequacy of the
 28 facilities for educational use. This information shall be used
 29 to generate a 3-year plan for the provision of adequate space,
 30 equipment, furnishings, and technology for improving the
 31 learner's educational outcomes. The Department of Education

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 shall submit this plan to the Governor, the President of the
2 Senate, the Speaker of the House of Representatives, and the
3 Secretary of the Department of Juvenile Justice by November 1,
4 1999. The plan shall contain sufficient detail for the
5 development of a fixed capital outlay budget request which
6 will ensure that student achievement will be enhanced.

7 (2) The Department of Juvenile Justice shall provide
8 early notice to school districts regarding the siting of new
9 juvenile justice facilities. School districts shall include
10 the projected number of students in the districts' annual
11 estimates. School districts should be consulted regarding the
12 types of students expected to be assigned to commitment
13 facilities for education planning and budgeting purposes. The
14 Department of Juvenile Justice shall notify, in writing, the
15 Department of Education when a request for proposals is issued
16 for the construction or operation of a commitment or detention
17 facility anywhere in the state. The Department of Juvenile
18 Justice shall notify, in writing, the appropriate school
19 district when a request for proposals is issued for the
20 construction or operation of a commitment or detention
21 facility when a county or site is specifically identified. The
22 Department of Juvenile Justice is also required to notify the
23 district school superintendent within 30 days of the award of
24 a contract for the construction or operation of a commitment
25 or detention facility within that school district.

26 Section 50. Paragraph (a) of subsection (3) of section
27 237.34, Florida Statutes, is amended to read.

28 237.34 Cost accounting and reporting.--

29 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

30 (a) Each district shall expend at least the percent of
31 the funds generated by each of the programs listed herein on

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 the aggregate total school costs for such programs:

2 1. Kindergarten and grades 1, 2, and 3, 90 percent.

3 2. Grades 4, 5, 6, 7, and 8, 80 percent.

4 3. Grades 9, 10, 11, and 12, 80 percent.

5 4. Programs for exceptional students, on an aggregate
6 program basis, 80 percent.

7 5. Grades 7 through 12 vocational education programs,
8 on an aggregate program basis, 80 percent.

9 6. Students-at-risk programs, on an aggregate program
10 basis, 80 percent.

11 7. Juvenile justice programs, on an aggregate program
12 basis, 80 percent.

13 8.7. Any new program established and funded under s.
14 236.081(1)(c), that is not included under subparagraphs 1.
15 through 6., on an aggregate basis as appropriate, 80 percent.

16 Section 51. Subsection (6) of section 985.401, Florida
17 Statutes, 1998 Supplement, is renumbered as subsection (7),
18 and a new subsection (6) is added to said section to read:

19 985.401 Juvenile Justice Accountability Board.--

20 (6) The board shall study the extent and nature of
21 education programs for juvenile offenders committed by the
22 court to the Department of Juvenile Justice and for juvenile
23 offenders under court supervision in the community. The board
24 shall utilize a subcommittee of interested board members and
25 may request other interested persons to participate and act as
26 a juvenile justice education task force for the study. The
27 task force shall address, at a minimum, the following issues:

28 (a) The impact of education services on students in
29 commitment programs;

30 (b) The barriers impeding the timely transfer of
31 education records;

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 (c) The development and implementation of vocational
 2 programming in commitment programs;

3 (d) The implementation of provisions for earning high
 4 school credits regardless of varied lengths of stay; and

5 (e) The accountability of school districts and
 6 providers regarding the expenditure of education funds.

7 ~~(7)~~(6) Each state agency shall provide assistance when
 8 requested by the board. The board shall have access to all
 9 records, files, and reports that are material to its duties
 10 and that are in the custody of a school board, a law
 11 enforcement agency, a state attorney, a public defender, the
 12 court, the Department of Children and Family Services, and the
 13 department.

14 Section 52. Paragraph (d) of subsection (3) of section
 15 985.413, Florida Statutes, 1998 Supplement, is amended to
 16 read:

17 985.413 District juvenile justice boards.--

18 (3) DISTRICT JUVENILE JUSTICE BOARDS.--

19 (d) A district juvenile justice board has the purpose,
 20 power, and duty to:

21 1. Advise the district juvenile justice manager and
 22 the district administrator on the need for and the
 23 availability of juvenile justice programs and services in the
 24 district, including the educational services in Department of
 25 Juvenile Justice programs.

26 2. Develop a district juvenile justice plan that is
 27 based upon the juvenile justice plans developed by each county
 28 within the district, and that addresses the needs of each
 29 county within the district.

30 3. Develop a district interagency cooperation and
 31 information-sharing agreement that supplements county

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 agreements and expands the scope to include appropriate
2 circuit and district officials and groups.

3 4. Coordinate the efforts of the district juvenile
4 justice board with the activities of the Governor's Juvenile
5 Justice and Delinquency Prevention Advisory Committee and
6 other public and private entities.

7 5. Advise and assist the district juvenile justice
8 manager in the provision of optional, innovative delinquency
9 services in the district to meet the unique needs of
10 delinquent children and their families.

11 6. Develop, in consultation with the district juvenile
12 justice manager, funding sources external to the Department of
13 Juvenile Justice for the provision and maintenance of
14 additional delinquency programs and services. The board may,
15 either independently or in partnership with one or more county
16 juvenile justice councils or other public or private entities,
17 apply for and receive funds, under contract or other funding
18 arrangement, from federal, state, county, city, and other
19 public agencies, and from public and private foundations,
20 agencies, and charities for the purpose of funding optional
21 innovative prevention, diversion, or treatment services in the
22 district for delinquent children and children at risk of
23 delinquency, and their families. To aid in this process, the
24 department shall provide fiscal agency services for the
25 councils.

26 7. Educate the community about and assist in the
27 community juvenile justice partnership grant program
28 administered by the Department of Juvenile Justice.

29 8. Advise the district health and human services
30 board, the district juvenile justice manager, and the
31 Secretary of Juvenile Justice regarding the development of the

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 legislative budget request for juvenile justice programs and
2 services in the district and the commitment region, and, in
3 coordination with the district health and human services
4 board, make recommendations, develop programs, and provide
5 funding for prevention and early intervention programs and
6 services designed to serve children in need of services,
7 families in need of services, and children who are at risk of
8 delinquency within the district or region.

9 9. Assist the district juvenile justice manager in
10 collecting information and statistical data useful in
11 assessing the need for prevention programs and services within
12 the juvenile justice continuum program in the district.

13 10. Make recommendations with respect to, and monitor
14 the effectiveness of, the judicial administrative plan for
15 each circuit pursuant to Rule 2.050, Florida Rules of Judicial
16 Administration.

17 11. Provide periodic reports to the health and human
18 services board in the appropriate district of the Department
19 of Children and Family Services. These reports must contain,
20 at a minimum, data about the clients served by the juvenile
21 justice programs and services in the district, as well as data
22 concerning the unmet needs of juveniles within the district.

23 12. Provide a written annual report on the activities
24 of the board to the district administrator, the Secretary of
25 Juvenile Justice, and the Juvenile Justice Accountability
26 Advisory Board. The report should include an assessment of the
27 effectiveness of juvenile justice continuum programs and
28 services within the district, recommendations for elimination,
29 modification, or expansion of existing programs, and
30 suggestions for new programs or services in the juvenile
31 justice continuum that would meet identified needs of children

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 and families in the district.

2 Section 53. The Department of Education shall work in
3 consultation with the Department of Juvenile Justice and the
4 local school districts to develop a plan for educational
5 programs in detention centers. The plan shall reflect the
6 unique needs, variability in lengths of stay, and diversity of
7 youth assigned to juvenile justice detention centers, and
8 instructional strategies to improve student achievement. The
9 plan shall anticipate the use of all state and local funding
10 categories available to ensure the success of students who are
11 being educated in juvenile justice facilities. The plan shall
12 provide for appropriate performance outcome measures. The
13 plan shall be submitted to the Governor, the Speaker of the
14 House of Representatives, and the President of the Senate
15 prior to January 1, 2000, and shall include appropriate cost
16 estimates.

17 Section 54. This act shall take effect July 1, 1999.

18
19

20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete everything before the enacting clause

23

24 and insert:

25

 A bill to be entitled

26

 An act relating to juvenile justice; amending

27

 s. 790.22, F.S.; relating to certain offenses

28

 involving use or possession of a firearm by a

29

 minor or offenses during the commission of

30

 which the minor possessed a firearm;

31

 authorizing secure detention for a first

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 offense of possession of a firearm by a minor,
2 providing that possession of a firearm by a
3 minor for a second or subsequent offense
4 constitutes a felony of the third degree
5 instead of a misdemeanor of the first degree;
6 authorizing secure detention for a specified
7 period; providing or revising penalties for
8 specified offenses; requiring secure detention
9 for specified periods, or increasing detention
10 periods imposed, for commission of specified
11 initial, second, or subsequent offenses;
12 providing for performance of community service
13 in a manner involving a hospital emergency room
14 or other medical environment dealing on a
15 regular basis with trauma patients and gunshot
16 wounds; providing that the minor offender may
17 not receive credit for time served before
18 adjudication of certain offenses; amending ss.
19 943.051(3)(b); and 985.212(1)(b), F.S.,
20 relating to criminal justice information and
21 fingerprinting; amending s. 790.115, F.S.;
22 prohibiting the possession or discharging
23 firearms at a school-sponsored event, requiring
24 a minor charged with certain activities to be
25 detained in secure detention; requiring a
26 hearing within a time certain; authorizing a
27 court to order continued secure detention for a
28 certain period; providing requirements for such
29 detention; amending s. 985.215, F.S.; requiring
30 secure detention care placement for a child
31 charged with certain activities; authorizing a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 court to continue detaining a child charged
2 with certain activities; amending s. 985.227,
3 F.S.; providing for discretionary direct file
4 for the offense of possessing or discharging
5 firearms on school property; amending s.
6 435.04, F.S.; adding to the list of offenses
7 that will prohibit the employment of a person
8 subject to Level 2 screening standards;
9 amending s. 943.0515, F.S.; requiring the
10 Criminal Justice Information Program to retain
11 the criminal history records of minors who are
12 committed to a juvenile correctional facility
13 or juvenile prison; amending s. 960.001, F.S.;
14 authorizing state agencies to expend funds for
15 certain crime prevention and educational
16 activities; amending ss. 984.03, 985.03, F.S.;
17 redefining the term "delinquency program" to
18 delete references to furlough programs;
19 defining the term "aftercare" for purposes of
20 ch. 985, F.S.; providing for minimum-risk
21 nonresidential programs to be used for the
22 aftercare placement of juveniles; amending ss.
23 39.0132, 985.04, F.S.; requiring the department
24 to disclose to school officials that a student
25 has a history of criminal sexual behavior with
26 other juveniles; conforming cross-references;
27 amending ss. 985.207, 985.208, F.S., relating
28 to conditions under which a juvenile may be
29 detained; adding a reference to home detention;
30 deleting references to violation of furlough;
31 amending s. 985.212, F.S.; providing for

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 fingerprint records and photographs of
2 juveniles to be submitted to the Department of
3 Law Enforcement; amending s. 985.231, F.S.;
4 providing for an adjudicated delinquent
5 juvenile to be placed in postcommitment
6 community control rather than in an aftercare
7 program under certain circumstances; specifying
8 responsibility for preparing certain documents;
9 amending s. 985.308, F.S.; deleting the
10 Department of Legal Affairs' rulemaking
11 responsibilities for sexual abuse intervention
12 networks; amending s. 985.316, F.S.; providing
13 legislative findings and intent; providing for
14 the delivery of aftercare services to a
15 juvenile released from a residential commitment
16 program; deleting requirements for juveniles
17 released on furlough; amending s. 985.404,
18 F.S., relating to the juvenile justice
19 continuum; providing for release of a juvenile
20 into an aftercare program; requiring
21 educational support activities to be provided;
22 amending s. 985.406, F.S.; providing additional
23 qualifications for the program staff of the
24 Department of Juvenile Justice and its
25 providers; requiring competency-based
26 examinations; creating s. 985.4145, F.S.;
27 defining the term "direct-support
28 organization"; authorizing such an organization
29 to use property and facilities of the
30 Department of Juvenile Justice; providing
31 restrictions; requiring the Secretary of

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 Juvenile Justice to appoint a board of
2 directors for the direct-support organization;
3 requiring an annual audit of the organization;
4 amending s. 985.415, F.S.; revising the
5 procedures for submittal and selection of
6 Community Juvenile Justice Partnership Grants;
7 amending s. 985.417, F.S., relating to the
8 transfer of children from the Department of
9 Corrections to the Department of Juvenile
10 Justice; deleting references to the furlough of
11 a child convicted of a capital felony; amending
12 ss. 419.001, 784.075, 984.05, 985.227, 985.31,
13 985.311, 985.312, F.S.; conforming
14 cross-references to changes made by the act;
15 amending s. 985.234, F.S.; providing the time
16 within which an order involving a child may be
17 appealed; amending s. 985.315, F.S.; revising
18 the vocational work training programs under the
19 Department of Juvenile Justice; providing for
20 participation of certain juveniles in
21 educational/technical or vocational
22 work-related program 5 hours per day, 5 days
23 per week; requiring the Juvenile Justice
24 Accountability Board to conduct a study of
25 juvenile vocational and work programs;
26 requiring a report; requiring the department to
27 inventory programs in the state; amending s.
28 985.03, F.S.; redesignating "maximum-risk"
29 residential facilities as "juvenile
30 correctional facilities" or "juvenile prisons";
31 amending s. 985.201, F.S.; conforming a

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 cross-reference for purposes of application to
2 terms of certain restitution orders; amending
3 s. 985.21, F.S.; deleting an authorization for
4 a juvenile probation officer to make certain
5 recommendations to the state attorney;
6 clarifying certain contents of intake reports;
7 authorizing the State Attorney and Department
8 of Juvenile Justice to enter into certain
9 interagency agreements for certain purposes;
10 amending s. 985.225, F.S.; requiring transfer
11 of certain felony cases relating to children to
12 adult court for prosecution as an adult;
13 repealing s. 985.218(6), F.S., relating to
14 adjudicatory hearings for children committing
15 delinquent acts or violations of law; amending
16 s. 985.226, F.S., relating to criteria for
17 discretionary waiver and mandatory waiver of
18 juvenile court jurisdiction; revising the list
19 of specified offenses to include certain
20 additional offenses; amending s. 985.227, F.S.,
21 relating to discretionary direct-file criteria
22 and mandatory direct-file criteria; permitting
23 the filing of an information when a child was
24 14 or 15 years of age at the time the child
25 attempted to commit or conspired to commit any
26 one of specified offenses; revising duties of
27 the court and guidelines for transfer of cases
28 pertaining to the child when a child is
29 transferred for adult prosecution; removing the
30 requirement for annual updating by the state
31 attorney of direct-file policies and

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 guidelines; providing that the information
2 filed pursuant to specified provisions may
3 include all charges that are based on the same
4 act, criminal episode, or transaction as the
5 primary offense; amending s. 985.228, F.S.;
6 specifying disqualification for possessing a
7 firearm until a certain age for persons
8 adjudicated delinquent for certain felony
9 offenses; amending s. 790.23, F.S.; providing a
10 prohibition against possession of firearms or
11 weapons by certain persons who were found to
12 have committed delinquent acts classified as
13 felonies; amending s. 985.313, F.S.;
14 redesignating "maximum-risk" residential
15 programs as "juvenile correctional facilities"
16 or "juvenile prisons"; providing that a
17 juvenile may be committed to such a facility if
18 adjudicated on certain additional offenses;
19 amending s. 228.041, F.S.; defining "juvenile
20 justice provider" and "school year for juvenile
21 justice programs"; amending s. 228.051, F.S.,
22 relating to the organization and funding of
23 required public schools; requiring the public
24 schools of the state to provide instruction for
25 youth in Department of Juvenile Justice
26 programs; amending s. 228.081, F.S.; requiring
27 the development and adoption of a rule
28 articulating expectations for education
29 programs for youth in Department of Juvenile
30 Justice programs; requiring the development of
31 model contracts for the delivery of educational

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 services to youth in Department of Juvenile
2 Justice programs; requiring the Department of
3 Education to provide training and technical
4 assistance; requiring the development of model
5 procedures for transitioning youth into and out
6 of Department of Juvenile Justice programs;
7 requiring the development of model procedures
8 regarding education records; requiring the
9 Department of Education to provide, or contract
10 for the provision of, quality assurance reviews
11 of all juvenile justice education programs;
12 amending s. 229.57, F.S.; revising provisions
13 relating to the statewide assessment program to
14 include schools operating for the purpose of
15 providing educational services to youth in
16 Department of Juvenile Justice programs;
17 requiring the Department of Education to
18 develop and implement assessment tools to be
19 used in juvenile justice programs; amending s.
20 229.58, F.S.; authorizing the establishment of
21 district advisory councils for juvenile justice
22 education programs; amending s. 229.592, F.S.;

23 revising provisions relating to the
24 implementation of the state system of school
25 improvement and education accountability to
26 include schools operating for the purpose of
27 providing educational services to youth in
28 Department of Juvenile Justice programs;
29 deleting obsolete language; amending s. 230.23,
30 F.S., relating to powers and duties of the
31 school board; revising provisions relating to

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 school improvement plans and public disclosure
2 to include schools operating for the purpose of
3 providing educational services to youth in
4 Department of Juvenile Justice programs;
5 amending s. 230.23161, F.S., relating to
6 educational services in Department of Juvenile
7 Justice programs; providing legislative intent;
8 requiring the Department of Education to serve
9 as the lead agency; requiring the Department of
10 Education and the Department of Juvenile
11 Justice to designate a coordinator to ensure
12 department participation in certain activities;
13 requiring student access to GED programs;
14 requiring certain funding; revising provisions
15 relating to compulsory school attendance;
16 requiring the development of an academic
17 improvement plan for certain students;
18 providing requirements regarding academic
19 records; requiring provisions for the earning
20 and transfer of credits; providing funding
21 requirements; revising provisions relating to
22 quality assurance standards; requiring the
23 Department of Juvenile Justice site visit and
24 the education quality assurance site visit to
25 take place during the same visit; requiring the
26 establishment of minimum standards; requiring
27 the State Board of Education to adopt rules
28 establishing sanctions for performance below
29 minimum standards; revising requirements
30 regarding an annual report; creating s.
31 235.1975, F.S., relating to cooperative

Bill No. HB 349, 2nd Eng.

Amendment No. ____

1 development of educational facilities in
2 juvenile justice programs; requiring a review
3 and analysis of existing facilities; requiring
4 the development and submission of a plan;
5 requiring the Department of Juvenile Justice to
6 provide certain information to school districts
7 and the Department of Education regarding new
8 juvenile justice facilities; providing
9 requirements regarding planning and budgeting;
10 amending s. 237.34, F.S.; requiring each
11 district to expend a specified percentage of
12 the funds generated by juvenile justice
13 programs on the aggregate total school costs
14 for such programs; amending s. 985.401, F.S.;

15 requiring the Juvenile Justice Accountability
16 Board to study the extent and nature of
17 education programs for juvenile offenders;
18 amending s. 985.413, F.S.; revising the duties
19 of district juvenile justice boards; requiring
20 the development and submission of a plan for
21 education programs in detention centers;
22 amending s. 985.404, F.S., relating to the
23 administration of the juvenile justice
24 continuum; correcting a cross-reference;
25 providing an effective date.

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